

**CAMBODIA: POST ELECTIONS AND
U.S. POLICY OPTIONS**

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BEFORE THE
SUBCOMMITTEE ON EAST ASIAN
AND PACIFIC AFFAIRS
OF THE
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UNITED STATES SENATE
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FRIDAY, OCTOBER 2, 1998

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:03 a.m., in room SD-419, Dirksen Senate Office Building, Hon. Craig Thomas, chairman of the subcommittee, presiding. Present: Senators Thomas and Robb.

Senator THOMAS. Call the committee to order, please. We are delighted to have you here. This is a hearing that we had scheduled sometime ago, as a matter of fact, and it has sort of been set back. But I think it is still very appropriate to do that. I will try to keep my comments brief.

By the way, we may have a vote at 10:30 or shortly thereafter. So we will have to work that out.

With the economies of countries like Thailand and Indonesia crumbling over the summer, the spotlight, of course, has understandably focused on areas other than Cambodia. It was focused pretty much there during the election process, which began in May.

The first elections after the Hun Sen-led coup have come and gone. And, not surprisingly, the outcome is still in dispute. While international observers initially reported a few irregularities, the supporters of the contestants, Ranariddh and Rainsy, alleged widespread fraud and have refused to join the government and work out the problems there.

I am interested in discovering which of these two points of view is closest to reality, and, most important, I guess, what the U.S. reaction to the elections has been, and more importantly, how we deal and our formulation of our policy with Cambodia in the future.

We had formulated a policy based, of course, on the—we need to formulate one based on the elections. We had had one somewhat based on the 1997 coup there in Cambodia. We had had one somewhat based perhaps on some of the bombings and the rallies. And now there have been allegations, at least, of attacks by Hun Sen and others.

So that is kind of where we are. Before we begin, I would like to clear up one point for the record regarding an individual who requested the opportunity to appear at this morning's hearing.

It has been the practice of this committee not to allow foreign nationals to testify before us, especially regarding internal political matters. The reasoning behind this exclusion is to avoid the ap-

pearance that the committee, and by extension the Senate, favors one political faction over another.

I believe the committee's practice is in most cases a wise one. And as chairman, I have closely adhered to it. It was for that reason and for that reason that I decided not to accept the request of other panelists to appear this morning.

OK. This is likely to be our last hearing in the 105th Congress. And I would like to take this opportunity to say to Senator Kerry, who is not here yet, it has been a pleasure to work with him and his staff.

Mr. Secretary, it has been a pleasure to work with you, as well. And I have been very appreciative of your willingness to come, not only for hearings, but to come and visit with us on other occasions. I think it is important that we stay in touch, and you have certainly worked very hard to do that. And I appreciate it. So welcome. And if you would like to go ahead, sir.

STATEMENT OF HON. STANLEY O. ROTH, ASSISTANT SECRETARY OF STATE FOR EAST ASIAN AND PACIFIC AFFAIRS

Mr. ROTH. Thank you very much, Mr. Chairman. And let me say first that the sentiments are reciprocated. I think you have set a standard for working on foreign policy issues in a bipartisan or even nonpartisan fashion, and I have appreciated the opportunity to work with you.

Furthermore, I want to commend you and subcommittee for holding this hearing. With all the issues going on Asia right now, the financial crisis, Japan's economic situation, the North Korean troubles, Indonesia, it is all too easy to lose track of Cambodia.

But you and the subcommittee, I think, have been amongst the leaders in following events all the way through on that process. And so I welcome this opportunity to really continue a dialog that we have had continuously since my confirmation.

I do not want to take a lot of your time going over the events prior to the election. I did testify in June, and I think you are aware of the progress that had been made up to that point through U.S. policy and working with the ASEAN troika in terms of getting opposition leaders back into the country, getting electoral laws passed and setting the stage for the election itself. But let me review events since the election.

First, to start with the good news, I think that is well know. The fact that the conduct of the election on the election day itself went much better than almost anyone had expected, the fact that 90 percent of the people turned out, the fact that it was quite peaceful, and the fact that the opposition got almost 60 percent of the votes, I think suggests that in fact efforts that I think we could argue were clear to try to harass, intimidate and coerce the voters in one direction failed.

This is a key point, because I think you will receive testimony later from at least one witness suggesting that the election was fundamentally flawed. And I think here—I hate to get into semantics with you, but I think rather to deal with it at the level of concept, nobody in the administration believes that the election was not flawed. Obviously it was flawed.

There was not access to the media. And worse, there were killings of opposition figures. There was clear harassment. There was clear intimidation. So of course it was flawed.

The question is: Was it fundamentally flawed? So much so that we need to cast the results out? And here, one of my differences with the IRI is that despite all the problems, I think the answer is: When 90 percent of the people turn out and the opposition gets an overwhelming majority of the vote, I do not see how you can say that the campaign was fundamentally flawed.

In fact, I think you can say that the attempts at harassment failed. So I think in that sense, that is the difference that we have, not that we are in any way trying to whitewash how the election was conducted or to say that should be a standard by which elections should be measured. This was a terrible electoral campaign. But we still think that the results have given us something to work with, given the margin, the 60 percent that the opposition got.

The question is: Where do we go from here? And I think that the real problem has been trying to get a government coalition put together that reflects the results of the election, meaning, one that gives the opposition a meaningful role reflecting the fact that they did get almost 60 percent of the vote, but, two, also acknowledges the reality that Hun Sen got the largest plurality.

And there is a very painful reality, Mr. Chairman, that I think needs to be discussed, which is, had the opposition united prior to the election, had Rainsy, Ranariddh and some of the splinter parties not divided, they would not be in the position they are in now, where they do not have the largest plurality.

But the splintering of the opposition vote has resulted in the situation we are in today, and that is just a painful truth, that Hun Sen has the largest plurality and therefore is going to have to be a major factor in coalition negotiations.

At the same time, let me be absolutely clear. This is not praise for how Hun Sen has conducted himself either before, during or after the election. It is very clear that the offer that Hun Sen made after the election did not constitute a serious offer of power sharing. He made an offer that basically would allow him and his party to keep every major ministry, and, if you will allow me to exaggerate only slightly, essentially reduce the opposition to positions with the significance of dog catcher.

And so I think that that was not a legitimate offer. And it is no wonder that the opposition refused to embrace that offer. Clearly, it is not the policy of the administration to force the opposition leaders to enter into a coalition agreement in which they have no meaningful role. I emphasize that emphatically, because some people have wrongly tried to characterize our policy in that regard.

What we would like to see is the opposition to enter into coalition negotiations in which there would be a meaningful role. And I think it is quite clear that the opposition is not without significant leverage. It is not without significant leverage because Hun Sen cannot form a constitutional government without the support of FUNCINPEC and Ranariddh's party. He does not have the votes.

So if he wants to have a legitimate government, he needs the opposition's help. That should be the basis for a negotiation. The precise outcome of that negotiation, I think, should be between the

parties. I could foresee many different outcomes, ranging from different sharings of portfolios to different electoral formulas for the national assembly. That is for the Cambodians to decide. But there has to be some genuine arrangement for power sharing.

What have we done to try to promote this outcome? First, we have, unlike some other countries, refused to simply endorse the results of the election. We did not say, as some other countries unfortunately did, terrific election, let us get on with it, Hun Sen won, he should form the government, let us move on.

We have stood by our principle that there has to be some outcome that reflects the opposition's role, given the fact that they got 60 percent of the vote. We did not do what ASEAN did. We did not do what Japan did. We have not tilted toward Hun Sen and just, with Cambodia fatigue, said, OK, good enough, let us check the box and go on to the next problem.

We have used the existing sources of leverage that I have been discussing with you for all of the past year to ensure that continued pressured is put upon the regime to enter into coalition negotiations.

You will notice, for example, that no one this year made an effort to give Hun Sen credentials at the General Assembly, a major change from last year, when the United States had to take a leadership effort in order to block Hun Sen's credentials.

This year, everyone has recognized that until a coalition government is formed, or unless a coalition is formed, that he is not going to get credentials at the United Nations General Assembly.

ASEAN has played a very responsible role. I hope you are aware that Secretary Albright took the lead last week at the General Assembly in organizing a meeting between ASEAN and the Friends of Cambodia to discuss the situation. This was the night before the ASEAN foreign ministers were meeting to discuss, amongst other issues, whether or not they were going to admit Cambodia this year.

There is a December meeting in Hanoi, an annual summit of ASEAN meeting. And we believe that ASEAN made the correct decision, that it is not going to admit Cambodia until the issue of the government's coalition is resolved. So that important source of leverage, ASEAN membership, is maintained.

Third, the United States has made it clear that we have no intention of resuming our aid, other than through nongovernmental organizations for humanitarian purposes. We are not going back to business as usual until the situation is resolved.

So all three sources of leverage remain. The next question is: Will it work? I wish I could tell you we knew the answer to that question, but all I can tell you is that there is a chance.

Belatedly, some of the other key international players have caught up to the United States and have now started exercising their influence in a productive fashion. We have seen the ASEAN countries, through Thailand, send a very productive mission to Cambodia, which led to the first meeting of the parties themselves under King Sihanouk's auspices on September 22.

We have seen the convening of the national assembly. And we have seen the beginning of negotiations amongst the parties to see if they can work out a power-sharing arrangement. There was a

followup meeting on the 29th. The next meeting is scheduled for October 5.

Japan has supported this effort and has worked with King Sihanouk to try to get all the parties talking to each other. The United Nations has played a very positive role in trying to get all the parties talking to each other.

So I think now the international community is playing a productive role in trying to get the outcome that we all want, which is a genuine coalition government, in which the opposition has a meaningful role.

No guarantees, Mr. Chairman, that this will work. I know your own personal skepticism about this project based upon the outcome of the last election and the fact that we have the same cast of characters, the same players, that we had before. There are no guarantees that they will reach a coalition or, if they do, that it will work.

But I ask: What are the alternatives? I think that the best chance we have is to build upon the results of an election that was internationally monitored, in which the opposition won a majority, to try to put together a genuine power-sharing arrangement and then to continue to exercise the leverage that we have, particularly aid leverage, to ensure that the coalition functions better than we did before.

Why don't I stop at that point and open it for your questions?
[The prepared statement of Secretary Roth follows:]

PREPARED STATEMENT OF HON. STANLEY O. ROTH

Mr. Chairman, thank you for this opportunity to address the subcommittee on the situation in Cambodia. That troubled country is once again at a critical juncture, so I appreciate this opportunity to update the subcommittee on recent developments and consult with you on how best to move forward.

When I last testified on Cambodia before this subcommittee in June, progress had been made in moving Cambodia towards July elections. Opposition leaders were back in-country and operating freely; all political parties had been granted freedom to campaign; election and party laws had been passed; an election commission had been established; the requisite constitutional and magistracy councils had been set up; international observers had been invited to monitor the election process; and voter registration was in full swing. In short, a framework—albeit an imperfect one—was in place in Cambodia in which meaningful elections could be held.

The United States, in concert with ASEAN and other partners, had worked hard to bring Cambodia to that point, pressing all parties to take steps to create the conditions for free, fair and credible elections. Despite progress achieved, however, two questions remained unanswered as Cambodia moved into the official campaign period. First, would opposition figures be granted media access for their campaigns? And second, would the climate of fear and intimidation which had prevailed since the bloody factional fighting of June 1997 persist?

Despite the intense efforts of the international community, neither of these issues was ever adequately resolved. While the opposition had substantial access to print media for the purpose of their campaigns, TV and radio were essentially monopolized by the ruling CPP. And while the climate of political intimidation had eased from earlier months, the U.N. documented dozens of human rights abuses in the run-up to the vote, including beatings, arrests, and worst of all, extra judicial killings.

As the July 26 election date drew near, these flaws threatened to invalidate the entire process. Many observers essentially wrote off the possibility of a free and fair election, and the international community braced for a worst-case scenario of violence and chaos on election day. Despite the widespread pessimism, however, Cambodians turned out in record numbers to cast their ballots, demonstrating both a deep desire for a voice in their future and their continued faith in the electoral process. Moreover, almost 16,000 domestic and international poll monitors on the ground concurred that barring one deadly attack by Khmer Rouge terrorists on poll

officials, Cambodians cast their votes in an environment that was peaceful, orderly, and free from intimidation.

The election results indicate that Cambodians indeed voted freely: some six out of ten voters chose a party other than the ruling Cambodian People's Party (CPP). It may be useful to note, Mr. Chairman, that had the opposition unified prior to the elections, they, and not Hun Sen's CPP, would have primary responsibility for forming a new government. Still, while in the end Hun Sen's CPP won a plurality of the vote, the fact that almost 60% of votes were cast for the opposition clearly demonstrates that efforts aimed at intimidating the Cambodian electorate failed.

This was the good news of this election. Unfortunately, a conflict-ridden post-election period has threatened to overshadow this achievement. After the July 26 vote, opposition figures raised charges of vote fraud and manipulation of the formula for apportioning parliamentary seats. While the NEC and the constitutional councils adjudicated some of the opposition's initial claims, these bodies summarily dismissed a substantial number of recount requests and refused to address the seat allotment controversy. It is true that initial recounts carried out by the NEC substantiated the original vote and proved many opposition allegations frivolous; still, wholesale rejection of the opposition's claims of irregularities is not a credible position, particularly in light of support for some of those claims by independent NGOs and observers.

In abdicating their responsibility to resolve all post-election disputes, the Cambodian electoral authorities lost a major opportunity to strengthen the credibility of the election process and renew the Cambodian people's faith in their national institutions. Nonetheless, we must recognize that in the judgment of most international observers, proper completion of the recounts would not have significantly altered the outcome or deprived the CPP of its plurality. The limited recounts thus far conducted showed no substantial change in numbers, and a parallel vote conducted by the independent Cambodian NGO (COMFREL) which fielded over 15,000 poll watchers also tallied a clear CPP plurality.

Whither Cambodia?

The obvious question, Mr. Chairman, is where do we go from here? Two things clearly need to happen if this electoral process is to be brought to closure and Cambodia is to get on with the urgent task of national reconstruction: legitimate electoral disputes must be appropriately adjudicated, and the parties must, pursuant to the provisions of the Cambodian constitution, negotiate a coalition government which reflects the will of the people as expressed through their vote. Hun Sen's initial attempts to form a government with the opposition were simply not acceptable, having offered only token appointments to the opposition while retaining all major ministries for the CPP. At the same time, the opposition's efforts to provoke a constitutional crisis by refusing to seat the Parliament by the September 24 deadline were counterproductive, serving only to escalate tensions and threaten instability.

U.S. policy throughout this tumultuous post-election period has been clear and consistent: we have called for a thorough vetting of all legitimate electoral disputes by the bodies charged with such duties; negotiations toward a genuine power sharing arrangement; and restraint on the part of all parties lest Cambodia once again explode in chaos. Ambassador Quinn repeatedly stressed these points to both the government and the opposition in Phnom Penh and made numerous interventions with key government leaders in a largely successful effort to minimize violence and encourage restraint.

Indeed, against a backdrop of escalating protests and increasingly provocative actions from all sides, Ambassador Quinn played a key role in averting even greater bloodshed, providing assistance to political leaders at risk and defusing explosive confrontations between the opposition and the police—many of which took place right in front of the American Embassy in Phnom Penh.

The international community has also gotten involved. As it became clear that the electoral process was in danger of disintegrating into a violent, undemocratic outcome, various friends of Cambodia abandoned their initial reluctance to intervene and joined the United States in reengaging Cambodia. Japan, the U.N. and Thailand made multiple interventions with the King and other players—interventions which ultimately led to the successful meeting of the opposition and the CPP with King Sihanouk on September 22 and the convening of the National Assembly on September 24. These meetings helped to initiate a negotiating process that at least offers the possibility that a coalition government may be formed that reflects the election results.

While the situation appears more hopeful than just a few weeks ago, Mr. Chairman, events are moving quickly and the future remains uncertain. We are thus working on a day-to-day basis to deal with threats—including those to the personal

safety of opposition politicians—as they arise, while continuing to push our overall objective of a genuine power-sharing arrangement. Can the parties work out such an arrangement? And if they do, will it work?

Unfortunately, Mr. Chairman, it's too early to tell. The relevant parties sat down together on September 29 and will meet again in the next few days to continue negotiations. Hun Sen, moreover, lifted the travel ban on most politicians, a fact evidenced by the recent arrival in Washington of opposition leader Sam Rainsy. Still, despite these encouraging signs, we simply don't know what lies ahead.

Ultimately, only the Cambodians themselves can determine their own fate and future. Nonetheless, together with our like-minded international partners, we are making every effort to move this process forward. Last week, Secretary Albright used the occasion of the U.N. General Assembly to organize a meeting of interested parties to discuss the situation in Cambodia. I am pleased to report that this meeting produced an overwhelming consensus to both stay engaged in Cambodia and withhold U.N. credentials until a credible government is formed. In a separate meeting, the ASEAN foreign ministers affirmed their commitment to this approach, adding that ASEAN membership will be postponed until Cambodia's domestic situation is resolved.

The next few days and weeks will be crucial. When and if a new government acceptable to the Cambodian people is formed, we will want to consult with the subcommittee on our long-term Cambodia policy, particularly as to what more we can do to address Cambodia's pressing humanitarian needs and strengthen its civil society. Let me conclude by saying, Mr. Chairman, that we appreciate the leadership the Congress and the Senate in particular have demonstrated on Cambodia throughout this tumultuous period. The recent letter to Hun Sen by Senators McCain and Kerry, urging Hun Sen to take responsible steps that will move the process of national reconciliation in Cambodia forward, is just one example of the many constructive efforts you and your colleagues have made. We thank you for your engagement and your leadership, and look forward to close and cooperative consultation with the subcommittee as events unfold.

Senator THOMAS. OK. Thank you.

If you put it in terms of evaluating this election, would you say it is improved politically, or would you say it has produced free expression for the people of Cambodia? On a scale of 1 to 10 in those areas, how would you do that?

Mr. ROTH. Well, I would say that in terms of getting an expression of the people of Cambodia, it has a pretty high rating, because the opposition, despite all the efforts at intimidation, including all the way up the chain to murder, turned out. And the opposition got 60 percent of the vote. That seems a pretty good expression.

At the same time, I want to be very careful, because in no way do I want to suggest that this was a terrific election campaign. This was an awful election campaign. The fact that opposition leaders were kept out of the country on ridiculous pretexts for so long and had to come back under curious circumstances, to say the least, the way the campaign was conducted, the murder of individuals, the failure to investigate these deaths, lack of access to the media, these are all awful circumstances under which to conduct an election.

I think, in fact, one has to give extraordinary credit to the Cambodia people, who, despite all these circumstances that I have just described, turned out in extraordinary numbers and voted freely.

Senator THOMAS. Well, there seem to be some sort of mixed reports from the foreign observer groups. Some accuse the U.N.-sponsored group of being predisposed to be favorable in that the Europeans and the ASEAN group wanted to move into normal relations. Some, who were there from here, the International Republican Institute, started out with a fairly favorable judgment and now I think has revised that view some.

So what is your view of the foreign observer groups?

Mr. ROTH. Well, I think that, as I have tried to explain in my testimony itself, there is basically the difference between IRI and the administration's position and many of the other observer groups as one of judgment on that one specific issue, whether the problems before the election and after the election were sufficient to void the results of the entire election.

And our judgment is no; their judgment is yes. And that is a judgment call. But I should point out that there are a lot of observers, including a very large number of Cambodian observers, including American finance and trained election observers. And their results are very similar to the results that came out of the electoral process itself. So that, you know, you have many observers, not just the U.N. or the Europeans or the Japanese saying that essentially the voting practices were OK.

I think where the Cambodian government has massively failed was in simply dismissing *carte blanche* hundreds, if not thousands, of claims that were made afterwards, rather than adjudicating that in a more serious fashion.

But I must say the initial results, based up by many observers on the ground, have been that those claims that have been investigated so far have not proved to be serious, or, in other words, that the original count has in most cases been justified.

I am not trying to tell you that this was a perfect count, that there were no irregularities. I do not know an election anywhere in the world in which there were no irregularities. But we have yet to see sustained evidence that there were substantial irregularities in the vote counts themselves.

But we do believe that the government made a mistake in not following the process provided for in their own election laws for adjudicating these claims and simply ruling out, I think it was, 8,000 different claims.

Senator THOMAS. I know this is fairly broad, but as you look around the world today, you look at some countries in Europe, Kosovo and others where people are being killed in large numbers, you look at Iraq or some others where security to the Middle East is threatened certainly, even North Korea and so on.

What is our mission? What is our goal? Our goal there is pretty clear, to stop killing, to do something about the threat to security and so on. What is our mission in Cambodia?

Mr. ROTH. I think our mission has been to try to basically get the Paris Accords from the beginning of this decade implemented, which is a Cambodia which, as a result of free and fair elections, would have a democratic government that will then go about trying to meet the needs of the Cambodian people, which are formidable.

That is a hell of a job, and we are doing it against a very difficult deck, given the fact that, unlike in the early nineties, we do not at this point have some of the assets that were available.

As you know from previous hearings, there was no sentiment for an ASEAN peacekeeping force. There was no sentiment for a U.N. peacekeeping force. There was no sentiment for an American peacekeeping force. And so we did not have the circumstances we did in the earlier election, when we had a significant UNTAC Force to preserve order and prevent some of the abuses that occurred this time.

But working within the parameters of the situation that we did face, I think our goal was to provide circumstances first, get the opposition back into the country and safe so they could run, that happened; to get election laws that would allow for the conduct of an internationally sanctioned election, that happened; to make sure that there was minimal violence on election day, that happened.

And now we are at the most difficult phase. With all of that done, can we make it meaningful, meaning can we get the outcome of the election reflected in the government? All of it will be for naught. I am not here to tell you that we are so pleased with what happened before, that now we are going to go with any government that comes along.

The question is: Can we now, having gotten these steps done, get a government that reflects what I have told, a democratic government that we could support, that the rest of the international community could support?

Senator THOMAS. So that really is the implementation of the Paris Accords, a democratic government that we can support.

Mr. ROTH. Yes.

Senator THOMAS. That is the mission, in short.

Mr. ROTH. Yes.

Senator THOMAS. What do you think the Clinton administration's approach will be in the aftermath? Will we—I think you already mentioned this, but will we go back to restoring U.S. aid to Cambodia as it was before 1997? And if not, what are the conditions in which that would be considered?

Mr. ROTH. Right. Well, without by any means trying to flatter you, I think you will have a large say in that decision.

Our current intention is not to resume aid through the government and through any means to do business as usual, unless and until we are satisfied that, in fact, there is a government formed that reflects the outcome of the elections. In other words, a meaningful role for the opposition.

That if this process breaks down, Hun Sen forms an extra constitutional government, we do not presently envision seeking resumption of aid, other than humanitarian aid through NGO's, provided we have continued support for that with the Congress.

Senator THOMAS. How would you advise, or would you advise, Prince Ranariddh and Rainsy to negotiate a coalition, or would you?

Mr. ROTH. Yes. I think that they have a significant amount of leverage, because in fact they have almost 60 percent of the votes, and that therefore their ability to secure a coalition government in which they have a meaningful role is quite high.

Hun Sen has been denied things he wants, and he knows he is not going to necessarily get them unless he has this kind of legitimate outcome. Like he did not get ASEAN membership, which he might have thought he was going to get 2 months ago. He did not get U.N. General Assembly seats, which he might have thought after election day he was going to get.

I think he has had as clear a statement as I can make today that he is not going to get U.S. aid, if we do not get a decent outcome. So I think that the opposition goes to these negotiations, not from

a point of weakness, but from a point of strings in terms of bargaining for a legitimate role in the government.

Senator THOMAS. I think you mentioned, and I was not sure what you said, how will the administration react to moves to have Cambodia reconsidered for admission to ASEAN and occupy the Cambodian seat in the U.N.?

Mr. ROTH. I thought I addressed both, but let me make it as clear as I can. First of all, we are delighted with the ASEAN foreign minister's decision not to offer admission at this point to Cambodia. They are waiting to see if—

Senator THOMAS. I think at this point is the key.

Mr. Roth. Yes. Well, there is no indication that ASEAN has any intention of admitting a non-constitutional, *i.e.*, Hun Sen, government without—if there is no agreement.

I think they are fully aware that they are just inviting more trouble for ASEAN if they let an unstable country in with a government that is not recognized internationally. I do not think there is any difference between us and ASEAN at this point, and I am very pleased about that.

On General Assembly, we are steadfastly opposed to the credentials until there is a government that meets a legitimacy test. And there was no effort last week—I emphasize none—for anybody to challenge that.

Senator THOMAS. The papers mentioned this week, I think, alleged assassination attempts against Hun Sen. There have been attempts, of course, against others.

Specifically, what can you tell us about an incident where the wife of Nate Therer, a correspondent for the Far East Economic Review, was accosted and apparently shot at? He believe apparently that it was politically motivated. Do you have any information on that?

Mr. ROTH. We have been in constant contact, both with Mr. Therer and with her. Let me state first in terms of what we have done is that we have expressed our concern immediately at the cabinet level in Cambodia, because we were not sure whether this was political or not. But we did not want to take any chances.

So Ambassador Quinn made an immediate representation about this as a very threatening development and made an immediate representation to the police chief in Phnom Penh as well. In addition to that, we offered her an escort to the airport so that she could get out of the country, which was her wish. She actually has left Cambodia and is physically safe. She declined the U.S. embassy escort to the airport. I am not sure why.

But we have taken this issue extremely seriously in terms of providing for her protection. In terms of the actual facts of the case, they are, unfortunately, like many in Cambodia, confused. We do not know yet what happened. Some people say there was a shot; some say there was not. Some say it was a robbery; some say it was politically motivated.

I wish I knew. We are making every effort. One frequently does not find out in these cases what happened. But obviously, we have made every effort to provide for her personal safety.

Senator THOMAS. What is the status, if there is one. Of the FBI's investigation of 1997 rally. As you know, there were thoughts and

allegations that the embassy there had sort of called off the FBI. And the report delivered to Congress in April is inconclusive.

Mr. ROTH. Right.

Senator THOMAS. Relative to some of these other things that are happening here, what is the situation with the FBI?

Mr. ROTH. Well, I do not believe anything has progressed significantly in recent days. There is a report, which is before the committee. I assume you have looked at it. But as you say, it is inconclusive.

The question is: After we put together, if we put together, an acceptable coalition government in Phnom Penh, I think what of the tests of its credibility will be how does it investigate all these past abuses? This attack, other murders that have taken place during the campaign, since the campaign. There are going to have to be investigations of a lot of actions, including this.

I would hope there would be circumstances where this investigation could be pursued vigorously within the country itself that witnesses would feel safe to come forward. But we are going to have to see first what happens with the government.

Senator THOMAS. I presume you would not agree to the allegation that the embassy was a party to slowing down or prohibiting that investigation.

Mr. ROTH. That is absolutely not true. I have had numerous conversations with Ken Quinn about the chronology of this. I think our main concerns have been to make sure that the FBI team was safe, you know, in terms of coming in there. And second, that witnesses who wanted to talk to them were safe under very difficult circumstances.

But there is absolutely not intention whatsoever to suppress the information or the investigation. I would like to see it resumed, if it could be done.

Senator THOMAS. As we review, do you think the embassy's starting to have communications with Hun Sen early last year after the coup was a reasonable thing to do?

Mr. ROTH. I think the role of the embassy there is to be talking to everybody. And I think there is an unfair impression out there that somehow Ambassador Quinn has tilted toward Hun Sen and is not talking to all the other parties.

In fact, he was the only Ambassador that came to the airport to see Ranariddh the second time he came back to the country. Ranariddh chose to get his house on the same block, if not across the street, from the U.S. embassy. He has been in constant contact with all the opposition officials as well.

Part of what we want him to do is to be able to communicate messages to Hun Sen, including protests that we make when we have concerns about all kinds of issues. And one of the things I regret is that in recent weeks, Hun Sen has stopped receiving all Ambassadors, not just ours, but Japanese, ASEAN, U.N. officials.

And instead, we have had to deal with cabinet officials instead of Hun Sen directly. But I think that is part of Ken Quinn's job is to be able to deal with him, as well as everybody else.

Senator THOMAS. Well, it is a difficult thing. There is no question about it. I presume, at least from a lay person's point of view, the most difficult thing is to not tell them what to do, that is not our

role, but at what point we continue to do the things that we may have done in the past or would hope to do in the future, and that their activities and behavior are such that we can continue to do that. And I presume that is the question before us for the large part.

So thank you very much, Mr. Secretary. Appreciate it. And we will stay in touch.

All right. Let us go on to our second panel then, please.

Dr. Tith is Chairman of the World Cambodian Congress in Washington, and I think also a professor at college. Mr. Craner, President, International Republican Institute in Washington. Frederick Brown, professor of Advanced International Studies at Johns Hopkins.

Gentlemen, thank you. We appreciate your being here. Your statements will all be included in the complete statements in the record. So if you would care to summarize and make your major points, that would be very good.

We will go as listed here. So Dr. Tith, if you would begin, please.

**STATEMENT OF DR. NARANHKIRI TITH, CHAIRMAN, WORLD
CAMBODIAN CONGRESS**

Dr. TITH. Thank you, Mr. Chairman. I am greatly honored to be here today to testify in front your committee. I am very grateful to you also, in spite of all the problem in Asia and in the world, you still have time to give to Cambodia some thought. I appreciate that very much.

I have written a paper, looking from the long-term point of view underlying factors, hopefully that will serve for the purpose of a proactive policy, not a reactive policy. My paper is entitled A Long Term and Integrated Look at the Cambodian Crisis: Some Suggestions for a Possible Solution.

Let me summarize it, first by stating that in my opinion from almost 40 years of observing the Cambodian situation, and particularly recently knowing all the actors, including King Sihanouk and the political situation activities in Cambodia, and particularly observing the recent election, I have come to the conclusion that the election is neither free nor fair.

And the reason is that we should not take out at one particular point in time, particularly during the election, and Hun Sen is too smart, particularly the advice from certain countries, that he has to behave during the election days. And we take that out and do not look at before and then after. And then we say that it is reasonable, fair and so forth, free.

In my opinion, we have to look backward a little bit and then forward what is going to happen. If you look backward since the UNTAC intervention in Cambodia, there is a pattern, definitely a pattern, deliberate pattern, by Hun Sen to derail the United Nation effort in Cambodia.

And that is backed up by the recent declaration by two former United Nations officials that were involved in Cambodia during the 1992/1993 election organization, General Sanderson and Mr. Maley. General Sanderson was the commander in chief of the United Nations forces in Cambodia.

In his testimony to the parliament of Australia, he said that there was definitely a deliberate pattern since 1991 by Hun Sen to derail the United Nations UNTAC in Cambodia.

And we can observe that since the election—in 1993 Hun Sen lost that election—but he bullied himself back into the government by blackmailing, by having a secession of seven provinces in Cambodia, then he was brought back into the government and created these two heads of government, two prime ministers, at the suggestion of King Sihanouk.

You have to know the story behind that scene, and I know very well. If you have to have more details, I can talk about that. I have heard the king was definitely implicated in that secession of the seven provinces in 1993.

And again, the king supported Hun Sen, sided with Hun Sen, as he has sided with the Khmer Rouge before. So the king is no longer a neutral party in any negotiations in the future of Cambodia. I am sorry to say that, but I know him very well. And I have been following his action, and it has to be said.

Having said that, if you look at the election day, of course it looks reasonable, because there was nobody killed. But who can tell, with 500 people only from foreign observer? Granted there are some people on the Cambodian side, observers.

But who can tell when all the administration, with either provincial village level all controlled by the CPP or Hun Sen? At night-time, like the French say, at nighttime all the cats are black. We cannot distinguish.

So Hun Sen definitely has all the support he wants to in order to derail the election. Having said that, the result of the election, as Mr. Roth has said, spoke clearly of the will of the Cambodian people for change. That is, Hun Sen got only about 41.5 percent, and 58.5 percent obtained by the opposition. And that in itself clearly said that it is the will of the people that want to change, they do not want Hun Sen.

But Hun Sen, again after the election, tried to force the opposition into the coalition, again with the support of the king. I do not think this should be done, because as the last coalition, it did not work, because Hun Sen did not want it to work.

But the only difference this time, Mr. Chairman, is that Cambodia is no longer the country that it used to be 5 years ago. One major difference is that in Cambodia in 2 years time, according to two important independent global witness, who observed the deforestation in Cambodia, in 2 years time, there were no more forests left in Cambodia.

So what does it translate into operationally for the Cambodian people? It means that in 2 years time the Cambodian people will have at least, at least a majority of the Cambodian people, 80 percent of them, that live on the countryside, live on fishing, on forestry, on rice growing, they will have no more means to live on.

And if you want to have an indication as to the devastation of that kind of ecological imbalances or destruction, look at China. Even the government of China has admitted that deforestation has caused a tremendous flood in China, and still causing it. So in Cambodia, there will be much worse than that.

So what you will have in 2 years' time, you will have a lot of people starving to death, millions. And I know Cambodia, I know many other countries. I know economic management, being my profession. Hun Sen has no way to manage the country, because he is the problem. He is the one that create all those problem.

He is born of a culture of violence and a culture of corruption. And his system is based on pervasive corruption. He cannot have the support of the generals and of all the people in the villages, if he does not pay them, if he does not corrupt them.

So that is the picture. Now what are we going to do in 2 years' time, when the people of Cambodia will drop dead like flies? 1 million, 2 million more? Maybe by that time we will see that Cambodia does have a real crisis.

And who are the one that really create that crisis? It is Hun Sen. Hun Sen is not a leader. He is a murderer. He is a killer with sadistic inclinations.

Thank you, Mr. Chairman.

[The prepared statement of Dr. Tith follows:]

PREPARED STATEMENT OF DR. NARANHKIRI TITH

I am very grateful to you Mr. Chairman for convening this hearing at this critical time in the post election situation in Cambodia. I am fully aware that you are all busy with the many critical problems in the world today such as the Asian financial crisis and the Russian economic and political crisis which are having a contagious and negative impact on the US economy and that of the world. This hearing shows once again that the US Congress continues to be sincerely concerned about the plight of all oppressed people in the world, including the Cambodian people. This hearing is only one of the many that this committee under your chairmanship has frequently been holding on the situation in Cambodia during the past few years. I thank you.

I am deeply thankful to you and your colleagues for having made possible to have an independent Cambodian voice to discuss and analyze as honestly and straightforwardly as I can, the quickly deteriorating economic, political, and social situation in Cambodia, especially since the bloody coup which was planned and executed by Second Prime Minister Hun Sen against the duly elected First Prime Minister of Cambodia, Prince Ranariddh.

To fully understand the depth of this ongoing Cambodian crisis and, more specifically, the obviously Hun Sen staged and rigged July 26, 1998 election and its aftermath, one needs to briefly assess the role and the motivation of different interest groups involved. The proposed period of analysis starts just before the presence of United Nations Transitional Authorities in Cambodia (UNTAC) in Cambodia (1992-93) and continues until the present day. For analytical purposes, one can divide these interest groups into two broad categories; 1) the domestic factors such as the Cambodian political factions, the King, the Cambodian NGOs and the local media, 2) the international community encompassing the United Nations system, the major powers and regional powers as well as the international NGOs and media.

I. DOMESTIC ASPECT OF THE CAMBODIAN CRISIS

A. *Cambodian People's Party (CPP): origin, organization, ideology, strategies, and policies*

The CPP is a splinter group from the deadly and monstrous Khmer Rouge Movement under the leadership of Pol Pot. All current senior CPP members were senior Khmer Rouge cadre including Hun Sen, Chea Sim, Heng Samrin, Sar Kheng, Tea Banh. The split came after Pol Pot started his periodical purges against party members. The current CPP group fled to Vietnam to save themselves from the P01 Pot purge and not because they wanted to liberate Cambodia from the Khmer Rouge as Hun Sen and his apologists have often stated. On December 25, 1978, the armed forces of the Socialist Republic of Vietnam invaded Cambodia and drove the Khmer Rouge back along the border with Thailand. In January 1979, Vietnam installed a new government, headed by Heng Samrin, a former Khmer rouge general, and the regime was renamed the People's Republic of Kampuchea (PRK).

Gradually, the PRK had no choice but to release its firm grip on the economic organization of Cambodia. However, it kept firm control on the economic, political, and social organizations of Cambodia. Essentially, the PRK remained a communist organization with a centrally controlled and hierarchical economic and political command system. This centrally controlled command system is still in place today in Cambodia. However, it now wears the mask of a market system. As all typical communist organizations, the CPP remains a secretive organization and a one party state-controlled system. It does not tolerate any decent or political opposition however mild this may be.

Only with the collapse of the former Soviet Union and the subsequent halt of all Soviet financial and economic assistance to its satellites did Vietnam officially announce its withdraw from Cambodia. Without support from the socialist block the PRK was forced to start opening up and negotiating with the United Nations which was backed up by the major and regional powers for an election to set up a democratic system and a market economy in Cambodia.

The successful conclusion of the second Paris Conference in October, 1991 led to the establishment of UNTAC, under whose mandate an election was organized and carried out in May, 1993. The result of the election gave a clear majority to the non-communist parties which garnered a total of 69 seats. These parties included FUNCINPEC (Front Uni National pour un Cambodge Independent Neutre Pacific et Cooperatif) led by Prince Norodom Ranariddh, Buddhist Liberal Democratic (BLD) led by former Prime Minister Son Sann., and Moulinaka (Movement de Liberalization National du Kampuchea) led by Ros Roeun. Despite the advantage of the incumbency and a deliberated, and vicious campaign of intimidation and political killings of the members of the opposition parties, the CPP (formerly PRK), led by former senior Khmer Rouge officials, Chea Sim, and Hun Sen managed to grab 51 seats.

The elected representatives established a Provisional National Assembly which succeeded in promulgating a new constitution. After a threat of secession of seven eastern provinces by the CPP with a tacit approval of the King, a new coalition government coalition was imposed on the victorious non-communist parties. In coalition Hun Sen and his CPP not only obtained the crucial post of Second Prime Minister, but also the important post of Chairman of the National Assembly. To lock in their minority position in any decision making in the National Assembly, the CPP succeeded in imposing the rule of two thirds majority in any vote in the national Assembly. FUNCINPEC was given the post of First Prime Minister. They co-managed major ministries such as Defense, Interior. The economic ministries were split between CPP and FUNCINPEC. The army, the police, and civil administration remained totally in the hands of the CPP.

The Royal Coalition Government of Cambodia (RGC) was a tenuous coalition. Political fighting continued, both within and among the parties in the government. Corruption was and continues to be widespread. This combined with the extremely low capacity of government to manage, was increasing the threat of destabilization, which culminated in the July 5, 1997 bloody coup organized and executed by Hun Sen against Prince Ranariddh.

Last year's coup was only a phase in a long term plan by Hun Sen and his CPP to completely take economic, and political control of Cambodia. Despite the claims by Hun Sen apologists, it was not a reaction to preempt a so-called coup by Prince Ranariddh in collusion with the Khmer Rouge. The CPP's long-term plan to derail and undermine the democratic process which was established by UNTAC which was agreed upon and paid for by the international community. This conspiracy was clearly enunciated by two former senior UNTAC officials, Lieutenant-General John Sanderson, Commander of UNTAC force, and Michael Maley, Senior Deputy Chief Electoral Officer during a recent hearing at the Australian parliament Foreign Affairs sub-committee in Canberra during which they commented that the CPP has been deliberately, and often violently, undermining the democratic process begun in 1993 by UNTAC. They went on to say that the deficiencies of the recent elections in Cambodia;

... were in no sense unavoidable or attributable to the difficulties of conducting elections in a developing country. Rather they flowed from conscious political acts by the ruling clique, reflecting a lack of genuine commitment to the process and to the rights of individual Cambodians¹

There were several bloody incidents which preceded the July 5 coup, such as grenade attacks against the opposition parties of Mr. Son Sann in 1995 and a worse

¹For a more complete view on how the CPP has been undermining the UNTAC program, see *Phnom Penh Post* (9/04/98) "UNTAC officials speak out on election."

one against Sam Rainsy in March, 1997. These were not isolated incidents. They were carefully planned and well executed for specific purposes; first to silence the opposition, and second to test the degree of commitment to the defense of democracy and the rule of law in Cambodia by the international community.

After having rigged the July 26, 1998, election, Hun Sen started to implement the last phase of his grand plan to gain complete control of Cambodia's destiny. On September 7, he ordered the arrest of one of his most outspoken critics, Mr. Sam Rainsy, (Under international pressure, that order of arrest was subsequently withdrawn). Some of Hun Sen's false accusations against Sam Rainsy include 1) plotting his own death during the bloody incident in March, 1997 in which several peaceful and lawful demonstrators were killed and over 100 other demonstrators were injured including a US citizen, and 2) for having incited riots against the government after the election. Regarding the grenade attack, several eyewitnesses reported that they saw Hun Sen's personal security guards prevent those who committed this crime from being caught by the demonstrators. Up to today, nobody has ever been arrested for that incident.

At first one is struck by the fact that unlike the other two major totalitarian Asian countries, China and Vietnam, there are no political prisoners in Hun Sen's Cambodia. The main reason for this anomaly is the fact that Hun Sen does not take prisoners. He just has his opponents murdered in the most savage way. If they are lucky, they are sent into exile, despite the fact that the current constitution does not permit such an action against any Cambodian citizen.

B. King Sihanouk's Role and His Influence in the Current Cambodian Political Crisis

It is no simple matter for anybody, and especially for a Cambodian, to criticize a national icon like King Sihanouk and to analyze his role in the political life in the current Cambodian crisis. However, it would also be irresponsible and imprudent to leave Sihanouk's role out of any assessment of the contemporary political situation in Cambodia. Right or wrong, and although being only a constitutional monarch, he still can command a lot of influence both in Cambodia and internationally.

On the bright side, he is a tremendously charismatic, charming, shrewd, and talented person. However, on the dark side and from past behavior, he was also known to be very unpredictable and mercurial, and not very committed to moral or democratic principles. By birth, he is an autocrat and behaves like one. Judging from his preferred places of residence outside Cambodia (Beijing and Pyongyang) and the leaders he admired and befriended with (Kim Il Sung, Mao Tse Tung, Ceausescu, Hodja, Sukarno, to mention only the obvious ones)² he is no friend of democracy. The dark and Machiavellian side of Sihanouk was recently revealed and well captured in an article in the *Phnom Penh Post*—a well respected English language local newspaper—describing the role of Sihanouk's role as a power broker in the current constitution crisis resulting from the charge of frauds during the July 26, 1998 election, when it wrote that;

The King is "smiling his Bayon face", as one Khmer politician described it—the Bayon being the four faced god statue of Angkor. Under this premise, Sihanouk selectively makes his thoughts and advice known to all actors, much of it probably contradictory—all the while muddying the waters further even as many look to him for a solution³

He has always allied himself with those with strong preference for power, more specifically raw power. For instance, during the 1970's and 1980s, he worked very closely with the Khmer Rouge leaders such as Pol Pot, Son Sen, Leng Saiy, and Khieu Samphan and has often proclaimed publicly that they were the most patriotic people dedicated and the best equipped to defend Cambodia's sovereignty. Recently, he appears to have decided to switch his allegiance to Hun Sen even though he knows that Hun Sen is no royalist. Why then did the King decide to choose Hun Sen as his ally and to go against his own son, Prince Ranariddh and his own brother, Prince Sirivudh in the current crisis? He refused to pardon Prince Sirivudh who was framed by Hun Sen to have plotted his assassination, while he has pardoned some of the most notorious Khmer Rouge responsible for the Cambodian genocide, such as Leng Saiy (former Khmer rouge foreign minister) and Ke Pauk (the executioner of the Toul Sleng interrogation center). More recently, he reluctantly par-

²For more details on Sihanouk's friends, see, *Charisma and Leadership*, by Norodom Sihanouk, Yohan Publications, Inc., Tokyo, 1990.

³*Phnom Penh Post*. (9/4/98) "Relaxed Hun Sen Holds the Royal Key."

doned his own son, Prince Ranariddh, only after a great deal of international pressure.

To better understand this apparent contradiction. It is important to analyze the King's motivation. It is a well-known fact in Phnom Penh political circles that one of the King's main goals is to make his beloved consort queen Monineath (formerly Monique Izzi) a reigning queen after his death or incapacitation. To achieve his royal wish, King Sihanouk needs the support of Hun Sen and the CPP. For that reason Sihanouk has recently struck a deal with Hun Sen to have the constitution changed⁴ to make possible a female to become a reigning queen, which the present constitution does not allow for. Queen Monineath, in turn, would groom her son, Prince Norodom Sihamoni to become king of Cambodia after her retirement or death. Therefore, King Sihanouk can no longer be considered to be a neutral party in this current constitutional crisis and any future search for its solution.

It is also important to point out that under Hun Sen there is no credible legal or justice system. Hun Sen is the law. The members of the National Election Commission (NEC) as well as the Constitutional Court (CC), the highest institutions in which to settle constitutional disputes are all stacked with Hun Sen appointees. That is why these two influential institutions which have enormous power to determine the outcome of any election have been consistently refusing to listen to the complaints of the two major opposition parties regarding the electoral frauds and intimidations before, during, and after the election.

One of UNTAC's legacies was the establishment of a vibrant and sometime unruly written media. However, this press freedom is quickly dwindling under Hun Sen's unrelenting assault which has included assassinations of editors and reporters in broad daylight and threatening grave consequences if they don't stop criticizing him and his regime. Now most editors and reporters who opposed Hun Sen and the CPP have either gone underground or are in hiding.

Another organization which came under Hun Sen's attack was the free Cambodian labor movement which is now practically under total state control. This in turn, raises the question whether the granting of GSP to Cambodia is still legal under current US law. A representative of the AFL-CIO in Bangkok has recently filed a petition to the Congress on this issue calling into question the legality of the granting of GSP to Cambodia.

The opposition parties are being literally torn into pieces. Immediately after the 1993 elections the two main opposition parties, FUNCINPEC and the BLD were subjected to systematic assaults through bogus accusations against prominent politicians such as Prince Norodom Sirivudh, former Deputy Prime Minister, by assassination during the July 5, 1997 coup, and through corrupt practices such as buying the allegiance of those opposition politicians who were ready to leave their parties. In this latter case, the most favored tactic was to create a splinter group and then allow the pro-CPP splinter group to use the old party name while refusing to allow the original members to do so. This method was devised to confuse the international Community and the Cambodian electorate. That is why the BLD became the Son Sann party, and the old Khmer Nation Party is now the Sam Rainsy party.

II. THE INTERNATIONAL ASPECT OF THE CAMBODIAN CRISIS

A. *The Ambivalent role of the international community in the current Cambodian crisis*

Despite the CPP's maneuvering, and intimidations before and during the July 26 election the majority of the Cambodian people came out en masse (90 percent) and courageously voted in favor of the opposition. As a matter of fact, together FUNCINPEC and Sam Rainsy parties received about 59 percent, while the CPP received only 41 percent of the total popular votes. In other words, the opposition won the election. However, because of the secret change in the seat distribution formula by the NEC, the CPP received 52 percent of the seats in the new National Assembly while the two major opposition parties together received only 48 percent of the total. These numbers do not add up to make the July 26 anywhere near the "miracle on the Mekong" as suggested by former Congressman Steve Solarz. Additionally, the European Union and ASEAN observers have prematurely declared that the election was free and fair and "broadly representative of the wish of the Cambodian people" without even bothering to wait for the electoral process to be completed.

It is important to point out that the preconditions for a free and fair election were never there to allow the election to move as scheduled. Almost all of the independent organizations such as the International Crisis group (ICG), the International Re-

⁴As reported by the National Radio of Cambodia—a government-run radio (AFS No. BK25081 42598)

publican Institute (IRI), the National Democratic Institute (NDI), Human Rights Watch, Amnesty International, and numerous local NGOs have indicated that the opposition parties were not allowed sufficient access the electronic media, and that the NEC and the CC were not neutral. I would like to also point out that some influential members of the US Congress such as Congressmen Benjamin Gilman, Dan Burton, Tom Campbell, Dana Rohrabacher, Chris Smith, and Gerald Solomon, have recently written a letter to Secretary of State Albright to draw the attention of the Secretary of State to the post-election intimidations and irregularities and to ask her to have

... the State Department immediately deliver a firm statement to Hun Sen informing him that all acts of violence and ballots manipulation will not be tolerated.⁵

There were also the issues of the politically-motivated killings of opposition parties members prior to the election and continued impunity for the perpetrators of politically motivated violence.

B. Wrong and damaging premises and double standard of judgment for the support of Hun Sen by the international community

Why then was the international community including the Clinton Administration so eager to push for the election to take place despite all the major problems which were mentioned previously? The answer to that is the fact that 1.) there is a general compassion fatigue and 2.) the politics of expediency have been adopted by the major and regional powers. The rationale for such *realpolitik* approach is based on two wrong premises. The first premise is that the CPP is the only efficient political organization which can maintain stability and promote prosperity in Cambodia. The second premise is based on the perception that the CPP is the only organization capable of defeating the remnant Khmer Rouge force.

1. *On the first premise* that Hun Sen and his CPP can maintain stability and promote growth is untrue, in fact Cambodia under Hun Sen has wasted a lot of economic and financial assistance to maintain an army whose main objective is to eliminate all opposition and to maintain an atmosphere of permanent fear in which to subdue and to control the majority of the population. In that sense, the CPP is a very efficient organization in the tradition of communist countries which destroy rather than builds the society.

One can cite many examples to illustrate the fiasco of the Hun Sen's management of the Cambodian economy and society. For instance, Cambodia is on the US list of narco-states. The other distinctive failures of the Hun Sen regime include the pervasive presence of money laundering, the exploitation of children for prostitution and labor, the use of Cambodia as a staging area for illegal immigration to third countries, the pervasive corruption and banditry and, last but not least, a dismal record in human rights, and the mismanagement of the environment, especially of forestry resources.

It is estimated by two independent and professional organizations, Global Witness and the World Bank that at current rate of exploitation there will be no more forest left in Cambodia within three years. This, in turn, will deprive the majority of the Cambodian people the necessary means to grow food and to raise animals for field works. The impact of deforestation on the Cambodian society is well captured by Kirk Talbot, Senior Director for Asia-Pacific at Conservation International.

The Plunder of Cambodia's forest is viewed by many as close to spiraling out of control. The resulting damage to the country's natural resource base is huge, as the loss of revenue to its government. And less tangible, but also important, is the concomitant loss of the government's credibility as the protector of the common good. As a result how Cambodia deals with logging is vital to the country's economic and political future.⁶

For these reasons, Cambodia may soon become a beggar nation waiting for the international community to provide the basic food to survive. Because of the more pronounced cycles of droughts and floods Cambodia is already confronted with a growing and prolonged food shortage. This problem will become more acute within two to three years. Are these signs that the Hun Sen administration is efficient and capable of promoting growth and stability?

⁵See the letter dated August 6, 1998 from the six members of the Congress to Secretary of State Albright.

⁶For a detailed description of the devastating effects of deforestation on the Cambodian people, and the corrupt practice in Hun Sen regime, see "Logging in Cambodia: Politics and Plunder" by Kirk Talbot in *Cambodia and the International Community*, Asia Society, New York, 1998.

2. *On the second premise* that only Hun Sen and the CPP are capable of solving the Khmer Rouge problem, one should ask the following questions. How did Hun Sen go about solving this problem? Where are those Khmer Rouge now?

Hun Sen's immoral method of solving the Khmer Rouge problem was to offer a general pardon to all Khmer Rouge except Pol Pot (who was already dead), Khieu Samphan, Noun Chea, and Ta Mok. The rest of the Khmer Rouge including the most notorious executioners of the two million innocent Cambodians are all now integrated into the Hun Sen government or army. In other words, Hun Sen has disregarded all the basic principles of a modern society like justice, the rule of law, and human rights.

The main reason why Hun Sen has been able to continue to oppress and impose his tyranny on the Cambodian people, is the fact that the international community has been too expedient and indifferent in dealing with him. They lowered their standards in judging his behavior in the and the management of Cambodian society. This point was eloquently expressed by Martin Collacott, a former Canadian Ambassador to Cambodia and chief Canadian observer during the July 26 election when he wrote that;

The argument has been made that Cambodia has suffered exceptional trauma and dislocation in recent decades and that it is therefore not reasonable to apply the same standards we expect of more settled and economically developed countries.

This approach makes sense up to a point. The fact is, however, that, after an impressive start following the United Nations-sponsored elections in 1998, there has for the most part been more erosion than consolidation of democratic value.⁷

Only by comparing Hun Sen's management style and behavior to those of the Khmer Rouge can there be any sign of progress. In contrast, the Cambodian democratic movement has been judged according to the international standard of value in terms of justice, the rule of law and human rights.

This double standard way which the international community including the State Department has been adopting to judge Cambodian politicians has allowed Hun Sen to continue to destroy the Cambodian society and to lead Cambodia to remain dependent on foreign assistance. Based on his academic and professional experiences as an economist specializing in the reform of many countries in transition, this writer is convinced that Hun Sen does not even have a minimal grasp or understanding of any democratic or civil society principles to lead Cambodia toward a path of modernity and prosperity. Well schooled in the Khmer Rouge culture of violence and corruption, Hun Sen can only bring Cambodia down toward the path of permanent dependence and misery.

III. WHAT SHOULD THE UNITED STATES POLICY BE WITH REGARD TO THE ONGOING CRISIS IN CAMBODIA?

Cambodia is a very small and poor country with only 11 million inhabitants. However, its people have had their share of misfortune and tragedy. The international community has spent more than US\$ 3 billion to help Cambodia return to normal conditions through the work of UNTAC. On the surface, the international community has every reason to have compassion fatigue. However, if the international Community decides to drop Cambodia from its radar screen, this would only fulfill the wish of Hun Sen and allow him to rule Cambodia as a primitive despot.

I argue that the Cambodian people, because of their courage and tenacity in their belief in democracy and the rule of law still deserve the attention of the international community only if one argues not in economic or financial terms, but in humanitarian and ideological terms. To allow Hun Sen to run Cambodia as his private fiefdom and to behave like a tyrant oppressing the Cambodian people on a massive scale could send a very strong but wrong message to countries like Indonesia, Myanmar even China, where democratic movements are getting stronger and more active, and like Russia where democracy and the market system are being questioned.

For the reasons discussed earlier, the Clinton Administration should recognize that its policy of picking Hun Sen as the only choice for governing Cambodia is fundamentally flawed. I would like to suggest that if the Cambodian people are to have any chance of escaping mass starvation and permanent dependence on international generosity, the Clinton Administration in consultation with the Congress should consider the adoption of the following measures:

⁷"Cambodia's Flawed Election—Where to from Here," *Phnom Penh Post*, September 4, 1998.

1. Disengage itself from the current policy of considering Hun Sen as the only leader who can bring stability and prosperity for the Cambodian people. This policy of expediently supporting Hun Sen, at all costs, is contrary to the principles upon which President Clinton has publicly and officially stated as the cornerstone of his administration foreign policy; namely the promotion of democracy, the rule of law, and human rights in the world. Based on the above analysis, it is clear that Hun Sen is not a "born again democrat" as some State Department officials have been suggesting, and his political organization is *only efficient at destroying but not at building a nation*.

2. Continue to deny Hun Sen the right to be represented at the United Nations until he can sufficiently and sustainably demonstrate his willingness to respect human rights, the rule of law and democratic principles.

3. Strongly communicate to Hun Sen that he must make all efforts to bring to justice all those responsible for the political killings prior to and after the July 5, 1997 coup before the United States sends a new Ambassador to Cambodia. This would send a strong message to Hun Sen that the US means business if the current Ambassador can be withdrawn from Phnom Penh as soon as feasible.

4. Continue to deny Hun Sen economic and financial assistance, except humanitarian aid, from the United States and from the international financial institutions such as the IMF and the World Bank until Hun Sen makes substantial and sustainable efforts to improve the governance of the country, by eliminating corruption in general and stopping the destruction of the environment in particular.

5. Review GSP for Cambodia as soon as possible to see whether the current Cambodian government labor law and practice are conformed to the existing US legal conditions for granting such an economic privilege.

6. Make renewed and sustained efforts in bringing to trial all Khmer Rouge senior officials whose records are on files with the Cambodian Genocide Project and who are now under Hun Sen's protection as soon as possible within the framework of an international criminal court similar to those for Rwanda or Bosnia.

7. Refrain from pressuring the opposition leaders to join a coalition government dominated Hun Sen, even if King Sihanouk supports that idea. More specifically, the Clinton Administration should instruct the State Department not to put pressure on the opposition parties to enter into a CPP-dominated coalition government whose economic and social policies will have no chance to succeed because of the pervasive corruption and the absence of the rule of law within the CPP organization.

8. Consider the possibility of establishing a caretaker government in Cambodia in the near future. Only when Hun Sen and his CPP are politically neutralized can the Cambodian situation really improve. But this requires a firm commitment from the United States and its allies to put this plan into action. The Cambodian situation is at such a hopeless juncture that only a drastic policy change by the United States, as the world leader in the promotion of democracy, the rule of law, and human rights, can really have a lasting impact. This situation has recently been forcefully and soberly argued by Henry Kamm of the *New York Times*.

I see no other way but to place Cambodia's people into caring and disinterested hands for one generation of Cambodians, who will have matured with respect for their own people and will be ready to take responsibility for them. Unrealistic? of course. Unrealizable? No.⁸

Thank you Mr. Chairman and members of the Committee for your kind attention.

Senator THOMAS. Thank you very much. You list in your summary seven suggestions, and I appreciate you summarizing them that way. Thank you. Mr. Craner?

**STATEMENT OF LORNE W. CRANER, PRESIDENT,
INTERNATIONAL REPUBLICAN INSTITUTE**

Mr. CRANER. Mr. Chairman, thank you for your invitation to testify today.

Mr. Chairman, Cambodia's misfortune continues, and I fear that those of us who observed the election as a group are partly to blame. I say that because Cambodia's July 25 election was the test for Cambodia's rejoining the rest of the world.

⁸Henry Kamm "the Cambodian Calamity," *The New York Review*, August, 13, 1998.

Based on a clean election day and the first half of the ballot counting process, most observers gave the election their blessing. But those criteria are insufficient for judging an election.

Over the past 15 years, IRI has observed more than 60 elections in over 3 dozen countries around the world. In that time, we have seen a number of countries seemingly holding elections for international observers, as opposed to their own people.

By that I mean that the portions most observers saw, election day and the initial counting process, were pristine. But the parts unmonitored by most foreign observers, the months before the election, the conclusion of the counting, and the months following the election were so fraught with problems that they render election day meaningless.

In short, dictators were able to both steal an election and to get the blessing of international observers. Such a process has occurred in Cambodia.

I will summarize each of the four stages of the recent election, pre-election stage, election day, counting and post election, to illustrate my point.

Cambodia's pre-election phase, which began with the July 1997 coup, saw 100 opposition figures murdered, party leaders in exile, party infrastructures destroyed, the widespread intimidation of voters, and a bias election law and law commission put into place, all before opposition leaders were allowed to return between 4 and 6 months before the election.

These problems let a joint IRI National Democratic Institute team—that is our sister institute—headed by Mort Abramowitz, to conclude that the pre-election phase was fundamentally flawed.

Election day itself was as good as many IRI has ever observed, a high voter turnout with no evidence of election day intimidation and an administratively well-done balloting process. The initial counting also proceeded well. And it was at this point that most foreign observers went off to write their statements blessing the election.

The initial counting was halted when, according to a senior election commission official, opposition parties gained the edge. The election commission then announced a change in the way votes won related to assembly seats won, giving the ruling CPP party 52 percent of the seats, though they had won only 41 percent of the votes.

Finally, both the election commission and the constitutional council, the initial and final arbiters of election disputes, declined to hear all but a few of the opposition's over 800 election complaints.

After the election, intimidation of opposition figures resumed, including another attempt on the life of Sam Rainsy, who is here with us today. The opposition nevertheless led demonstrations, including a sit-in attended by thousands in Phnom Penh.

In the next 2 weeks, at least twenty demonstrators were killed before police ended the sit-in. Travel abroad by opposition party leaders was banned until this week, but remains in place for dissidents Kem Sokha. Under this pressure, opposition leaders last week agreed to attend the opening of Cambodia's new parliament, but have so far not agreed to join Hun Sen in a coalition govern-

ment. But that day will soon come. And this goes to the issue of leverage for the opposition.

This is King Sihanouk on the opposition's leverage. Let me quote him. In a Cambodia that is not a state of law and not a full-fledged democracy, I have no other choice than to advise the weak to choose the policy that avoids misfortune for the people, the motherland and themselves.

Mr. Chairman, many will say that in a Third World country like Cambodia we cannot expect a better election. Believe me, we can. And I know because IRI has seen them in poor countries like Mongolia and war-ravaged poor countries like Nicaragua.

There is, in fact, no excuse for such a bad election, except the desire of a dictator to stay in power. Beyond his years with the Khmer Rouge in the seventies, beyond his authoritarian rule in the eighties, Hun Sen has shown his desire to remain in power by rejecting the 1993 election results, by the 1997 coup and now, for the fifth time, by the 1998 elections.

As the *New York Times* recently put it, since the Khmer Rouge came to power in 1975, Cambodia has suffered under an assortment of dreadful governments, and Hun Sen has been in all of them. He has not only been in all of them. For 20 of the last 23 years, he has effectively headed that assortment of dreadful governments.

At this moment, we have to deal with him. But that does not mean we must deal on his terms. He craves legitimacy, especially that accorded by the U.S. Cambodia's government has not yet been given the UNC international financial assistance or U.S. aid cutoff after last year's coup.

Finally, you will soon decide whether this is the time to confirm a new envoy to Phnom Penh.

My written testimony contains yardsticks by which to measure a restoration of democracy that should be our major reason for dealing with Hun Sen. In sum, we should look for in the next few weeks a resolution of opposition election complaints and a coalition government of substance that involves true power sharing.

Over the next few months, we also have a right to expect an improvement in the overall human rights situation, including safety for Hun Sen's opponents and their families and changes in the judicial system that could be proved by investigating and prosecuting those responsible for past human rights abuses.

Mr. Chairman, this election was set as a test, and it was found wanting. If we fail to act firmly and instead acquiesce to this election, we will again consign the people of Cambodia to darkness.

But accepting this election will have reverberations beyond Cambodia. Mr. Chairman, it would invite other dictators to take a page from Hun Sen's play book. Dictators around the world would feel free to repress their opposition and the voters for months or years either side of an election, confident that the international community will certify the process as long as election day looks good.

Mr. Chairman, when I was younger, I wondered if those old phrases describing the U.S. as a beacon of freedom or a city on the hill were just cliches. I found in my travels around the world, as IRI's president, that people everywhere do indeed still look to the U.S. as the bastion of freedom.

We should not let them down, and we should not give elections a bad name by assenting to recent events in Cambodia.

Thank you.

[The prepared statement of Mr. Craner follows:]

PREPARED STATEMENT OF LORNE W. CRANER

Mr. Chairman, it is an honor to testify before you today in the Senate, where I worked during the 1980s for Senator McCain, and as the State Department's liaison during the Bush administration.

Election standards

Election observation has come a long way since those days. Ten years ago, the events of election day, whether citizens were able to cast their ballots freely, in an orderly fashion, was the standard by which the democratic process was judged.

In the late 1980s and early 1990s, a number of dictators taught us a lesson, that the events surrounding the election are often more important than the day itself. Specifically, authoritarians realized that, to steal an election, they did not have to stuff the ballot boxes, but could instead achieve their objective in the months surrounding election day by means less apparent to traditional observers.

In effect, for IRI and other observation groups, a one part test for judging an election had to become a four part test if we were to accurately evaluate how representative of a country's democracy an election was.

- the first part to be evaluated is the months long pre-election phase, during which the central issues are whether candidates and their supporters are allowed to campaign freely, whether they have equal opportunity to access both the media and the election commission itself, and whether voters are left free to decide for whom they will vote;
- the second part of the test is the conduct of election day itself as outlined above;
- the third phase immediately follows election day: were ballots counted in an orderly, accurate manner, and were there opportunities for reasonable appeal of results doubted by some?
- and finally, in the longer term, after voting and counting ballots, did all parties respect the election's results and work together to form a new government?

IRI's experience

Since 1983 IRI has observed more than 70 elections in over three dozen countries. In doing so, we have only one asset that matters, and that is a reputation for impartiality—a willingness to call an election process like we see it, and to do so without regard to who won or lost.

Most recently, our approach led IRI to call the 1995 Haitian elections flawed, leading to criticism from some Democrats here in the Senate. It also led IRI to judge the 1996 Albanian elections flawed, leading to criticism from some in my own party who admire President Berisha.

Cambodia's election

Our willingness to call it like we see it leads IRI to judge Cambodia's 1998 election process similarly flawed, and among the worst we have observed since 1993.

The events that lead IRI to condemn it occurred not on election day, but in the days, weeks and months before and after the balloting. While the July 26th election day itself impressed observers, including IRI, those of us who monitored the pre-election process, and remained to observe the counting and longer-term post-election events, believe that, taken as a whole, this election fell below an acceptable standard.

Let me divide Cambodia's elections process into the four phases I mentioned before to show how IRI reached its judgment.

In a July 14th joint statement, IRI and the National Democratic Institute (NDI) judged the preelection phase "fundamentally flawed" because of:

- the July 1997 coup, and subsequent destruction of opposition party infrastructures;
- the failure to allow opposition leaders to return until less than six months before balloting, the denial to them of access to media once in-country, and the murder of up to 100 opposition members without any resolution to the crimes;
- the overwhelming ruling Cambodian People's Party (CPP) domination of the 11 member National Election Commission (NEC), with all but one of the non-CPP party seats given to CPP-backed splinter groups of opposition parties, and a

hastily formed, biased Constitutional Council, the ultimate arbiter in election matters;

- more than 100% of those thought to be of voting age registering in some areas;
- the widely reported intimidation of voters, leading to a common belief that their votes were not secret. (This is one of the most problematic areas—in past elections where authoritarians controlled the process, a key factor leading to a genuine election result has been the voters’ belief that they could cast their ballots in secret and therefore without fear of reprisal);
- an election law and regulations that were debated and approved by the CPP and splinter groups of the opposition parties. The legitimate leaders and elements of the opposition parties were in exile in Bangkok, still fearing for their lives from the coup. (After his return to Phnom Penh, Prime Minister Ranariddh was able to have one element of the election law, the location of ballot counting, changed).

In short, during the pre-election period, the CPP wrote the rules and controlled the process.

As the IRI-NDI July 28th preliminary statement indicated, the second test, Cambodia’s election day administration, was as good as many we have seen over the past five years, and deserves a high mark:

- the election administration ran very smoothly at most places observed;
- few of our delegates saw any sign of election day intimidation;
- over 90% of those registered turned up at the polls.

There remains a question of whether pre-election day intimidation pre-ordained the votes of many Cambodians (most voters we asked directly said they were not intimidated). That said, had subsequent portions of the Cambodian election run as smoothly as the election day activities we observed, one could say that some pre-election problems, though unacceptable, were, in context, to a significant degree ameliorated.

Unfortunately, that is not the case. After a promising start, the third part of the election, the counting process immediately following election day, must be judged as deliberately incomplete:

- counting proceeded smoothly for part of July 27th;
- counting was halted in mid-afternoon of July 27th. According to a source high in the National Election Commission, this pause was ordered by CPP officials after the opposition took the lead in ballot counts;
- during the counting process, with little explanation, the NEC revealed that the formula relating ballots won, to assembly seats won, had been changed before the election. While the original formulas would have left the CPP with a minority of assembly seats, the formula finally decided upon gave the CPP a majority.
- while legally obligated to do so, the NEC declined to address all but a few of the more than 800 election day and counting irregularities charged by the opposition;
- the Constitutional Council, supposedly the final arbiter of elections appeals, like the NEC refused to hear the majority of opposition complaints and sided completely with the NEC on issues important to the opposition, including used and unused ballots, recounts, and assembly seat allocation;

In the longer term, after voting and counting have ended, Cambodia’s government has failed to act in the way one would expect in a democracy:

- intimidation of the opposition resumed with the departure of observers;
- Sam Rainsy himself narrowly missed being killed in an August 20th drive by shooting and grenade attack shortly after a media interview outside the ministry of interior. Rainsy was then detained for questioning in connection with the attack;
- at least 20 people, according to the U.N. Center on Human Rights, are known to have been killed, and others went missing, during a three week period of demonstrations and a sit in at Phnom Penh’s “democracy square”. The sit in and demonstrations were forcibly ended after two grenades exploded outside Hun Sen’s house while he was outside of town;
- following the grenade explosions, Hun Sen ordered the arrest of Rainsy, charging him with the attack. Rainsy took refuge with the Special Representative of the U.N. Secretary General in Phnom Penh’s Cambodiana Hotel;
- Cambodia’s opposition politicians were also banned from traveling abroad after the grenade attack. After Rainsy and Prince Ranariddh defied the ban, it was lifted for parliamentarians, but remains in place for a number of opposition figures who do not have seats in parliament;

- summons were issued this week for Rainsy, Kem Sokha and Por Thei (the President of the Dharmacracy Women and Nation Party) on charges of incitement to racial violence and damaging state property relating to the demonstrations;
- one bright spot is last Tuesday's agreement between the opposition and the government that used, unused and spoiled ballots should be reconciled. Still unresolved are the opposition's request that the second formula for the allocation of assembly seats be rescinded (in favor of the original formula), for the release of jailed demonstrators, and for a general amnesty for their members.

The events of the last week, with FUNCINPEC and the Rainsy party agreeing to attend the opening of Cambodia's Parliament, under duress, should come as no surprise. Beyond the international pressure (mainly from Japan and ASEAN countries) exerted on the opposition to come to terms with Hun Sen, as King Sihanouk put it "in a Cambodia that is not a state of law and not a full fledged democracy, I have no other choice than to advise the weak to choose a policy that avoids misfortune for the people, the motherland and themselves."

Cambodia's 1998 election constitutes a deliberate attempt to take advantage of the weaknesses in 1980s-style observation to have the process declared legitimate. Cambodia's government conducted an election day up to international standards, hoping that observers would ignore the hundreds of days of repression surrounding it. To a large degree, the strategy worked.

Excuses, excuses

We are already hearing excuses about why Cambodia's election fell so short of international standards. After every bad election, the two most common are:

Americans are judging the state of a country's democracy from the perspective of a nation with two hundred years of freedom (this was a common refrain from South African politicians seeking to extend apartheid in its dying days); or

The country in which the election took place is poor, and that the bar for an acceptable election should therefore be lowered.

At IRI, we hear these arguments after every badly conducted election, and in IRI's experience of observing six dozen elections, such arguments are specious. I can say that because IRI has seen textbook elections in countries that are as poor as Cambodia, and while these countries have not experienced the trauma of Cambodia's killing fields, many have a longer history of dictatorship.

For example, a ruling party does not need to head a wealthy, long-time democracy to refrain from murdering its political opponents. Mongolia, a nation nearly as poor as Cambodia, with a longer history of dictatorship, had an election run—and lost—by former communists in 1996 without any election-related murders.

Nor must a country be a longstanding, wealthy democracy to properly count and recount ballots. One of the most well conducted elections IRI has observed was the 1994 Autonomous Council election on the remote Miskito coast of Nicaragua, the poorest region of a poor country emerging from war and decades of dictatorship.

Ramifications of accepting Cambodia's election

To accept this election would, in fact, devalue the worth of elections in building democracies around the world. Other dictators would feel free to kill opposition members, gut opposition party infrastructures, name a biased election commission, intimidate voters, conduct questionable ballot counts and refuse recounts, all the while confident that the international community will certify the process, as long as election day looks good.

Observers from the U.N. team (which included China, Vietnam, and Burma) are apparently willing to give such a certification to Cambodia's election, but the U.S. has a duty to billions around the world who look to us to uphold a higher standard of democracy. To agree to low standards for elections lowers the expectations of democracy for those voting. The U.S. should not give elections a bad name by assenting to recent events in Cambodia

Cambodia's election and U.S. policy

So where does this leave U.S. policy? We have a choice between accepting or not accepting the elections process. Both the House and Senate versions of the fiscal year 1999 Foreign Operations bill, makes clear the unwillingness of Congress to accept Cambodia's elections.

This is not a case of trade sanctions being put in place against Cambodia, nor should withholding U.S. aid leave Washington alone in the world. While ASEAN may already have concluded that they are satisfied with the election, the Europeans (with the exception of France) have not. Leadership by the United States in setting

forth our position and working with others to follow it has, in the past, produced results.

Action such as that contemplated by both houses of this Congress would also have a high likelihood of producing results. His role in the events of the 1970s, 1980s, 1993, 1997 and 1998 should by now have made clear that Hun Sen is not a democrat. Any hope for democracy lies not with Hun Sen, but with Cambodia's opposition, whom we should support. Pressure should be placed on Hun Sen to change his ways, and not on the opposition to simultaneously risk their lives while debasing their understanding of democracy. The worldwide disgust that followed last July's coup had much of the desired effect on Hun Sen, largely because, unlike the 1980s, Moscow and Vietnam are unable to bankroll and guard his rule. Moreover, as anyone familiar with Hun Sen can tell you, he craves legitimacy, and, in his eyes, the ultimate legitimacy is acceptance by the U.S.

As you contemplate further steps, including whether the U.S. should back International Financial Institution assistance for Cambodia, the issue of Cambodia's U.N. seat, and whether a new U.S. ambassador should be confirmed, let me suggest some yardsticks by which democratic progress can be measured:

- the first is implementation of last Tuesday's agreement for the reconciliation of electoral ballots;
- the second is agreement and action relating to the opposition's request regarding the formula for Assembly seat allocation, the release of jailed demonstrators, and a general amnesty for opposition members;
- the third pertains to the broader issue of Cambodia's democracy, and that is the extent of true power sharing in any coalition government. This can be measured in three ways:
 - the allocation of the most important Ministries between the presumed coalition partners, FUNCINPEC and the CPP. The three most important Ministries in terms of democratic rule are Interior, Justice, and Finance. Also important are Defense and Foreign Affairs. (Hopefully, any of these Ministries given to FUNCINPEC would come with their current powers);
 - the extent of FUNCINPEC control over any of these ministries allocated; and
 - the extent to which coalition partners share power in provincial and district governments. After 1993, FUNCINPEC governors served over a largely CPP-controlled provincial bureaucracy (as openly admitted in 1995 by the FUNCINPEC Governor of Sihanoukville, Thoam Bun Sron) with predictable results;
- The separation of state and party control over Cambodia's judicial branch;
- the general state of human rights in Cambodia, including the extent of press freedom, the ability of labor unions to organize, the fate of elected and non-elected opposition members and their families, the ability of non-government aligned NGOs to function free of impediment and intimidation, and the ability to demonstrate freely; and
- the results of long-promised government investigations into and prosecutions of those presumed responsible for human rights violations in Cambodia, including the 1995 grenade attack against the Buddhist Liberal Democratic Party Congress, the Easter, 1997 grenade attack on Sam Rainsy, and the murders of opposition figures during the July 1997 coup.

Taking advantage of my appearance before you, I would also respectfully request your assistance on a related issue.

The results of the FBI's investigation into the Easter 1997 grenade attack on Sam Rainsy should be made public. I appeal for your help on this for two reasons. First, among the reasons given by Hun Sen for threatening Rainsy's arrest is Rainsy's supposed attack on himself in the incident (a charge dismissed by the head of the U.N. Human Rights Office, which itself investigated the attack). The second reason I request your assistance is because an IRI employee, Ron Abney, was injured in the attack, precipitating the FBI investigation under U.S. anti-terrorism laws. Along with the Congress, both men deserve to know who ordered and carried out the attack.

Conclusion

Cambodia has suffered conflict for almost thirty years. I am not among those who believe that U.S. policy during the Vietnam war resulted in the 1975 Khmer Rouge victory, but I do believe that, with the exception of 1991–1993, Cambodia for too long has suffered from the neglect of the international community. This was especially true during the last five years, when U.S. policy towards Cambodia at best

consisted of building roads at the expense of building democracy, and at worst suffered from egregiously poor judgment.

If there is a people on earth who deserve better, it is Cambodians. The United States, including the U.S. Senate, can and should help give Cambodians the future they deserve.

Senator THOMAS. There is about 5 minutes left on this vote. So I think we will have to adjourn for a little bit and come back.

In the meantime, however, let me welcome and call on Senator Robb for any comments he might have.

Senator ROBB. Thank you, Mr. Chairman. Unfortunately as is often the case, I am sitting on both the Foreign Services Committee deliberations over ballistic missile defense, which is a very contentious item, as you know. And they adjourned a little early.

I thought I could come here and at least pick up the testimony. I understand that Secretary Roth has already completed his testimony. I will take it with me.

I appreciate very much your holding the hearing on this particular subject. It has been one of immense interest for a very long period of time, and I plan to take with me the testimony. And if I can finish up my questions in the other hearing, I will come back to this one. But I think this could not be more timely and appreciate your holding it.

I will just leave it at that for right now.

Senator THOMAS. Thank you.

Well, I am sorry we are interrupted, but that is the way it is. And if we can stand in recess for just a few minutes, I will get back as soon as I can.

[Recess: 10:47 a.m to 11:10 a.m.]

Senator THOMAS. Let me see. We are ready, I believe. Professor Brown, if you will, sir. Thank you for your patience, Professor Brown.

STATEMENT OF FREDERICK Z. BROWN, PROFESSOR, SCHOOL OF ADVANCED INTERNATIONAL STUDIES

Mr. BROWN. Thank you very much, Mr. Chairman, for this opportunity to comment on the current situation in Cambodia. In my written testimony, I comment briefly on what I call the realities of the political environment in Cambodia in the wake of the July 19, 1998 elections and the violence that took place subsequently.

I also suggest several guidelines for U.S. policy over the longer term, as the Cambodians attempt to rebuild their country. Let me mention only two realities for starters.

During the past several years, we have seen an erosion of the international community's consensus on Cambodia. The governments of the Southeast Asian countries and Japan are now far more concerned with their own economic problems than with Cambodia. Compassion fatigue among economic assistance donors has set in.

In the eyes of Cambodia's neighbors, and indeed of most of the signatories to the Paris agreements in 1991, the political situation in Phnom Penh is a nasty internal struggle. The important thing for outsiders is to prevent any disruptive regional expression of this struggle. There is a tendency to view the stability of Cambodia as more important than the character of its government.

In practical terms, I believe this means that the United States must bear much of the burden in promoting a workable solution that protects Cambodia's fledgling democratic spirit and respect for human rights and which encourages the development of a civil society.

The second reality, I think, is that it is painfully obvious that Cambodia is less important to American national interests than, for example, the future of the Japanese economy, the North Korean missile threat and Indonesia. Nonetheless, it seems to me that we have a commitment to the Cambodian people and a responsibility under the Paris agreements.

Let me offer three suggestions with regard to U.S. policy.

The first has to do with leadership. We should continue to work closely with our friends in ASEAN, Japan, Australia, Canada and France, despite differences in perspective regarding the validity of the July 1998 elections, to find ways to move Hun Sen and the CPP toward an acceptance of the opposition as legitimate players in Cambodia's politics.

While the extent to which ASEAN is willing to modify Hun Sen's script is limited, ASEAN clearly has an interest in preventing Cambodia from becoming a rogue state for narcotics trafficking or to otherwise disrupt the region.

At minimum the United States should seek common action by ASEAN and United Nations agencies in pressing for investigation into charges of vote counting fraud and investigating the use of force in quelling the postelection demonstrations.

ASEAN has already indicated that Cambodia's membership in the group is on hold until a legitimate government is formed. The United States must encourage ASEAN to maintain this position firmly. The same is true with regard to the seat at the United Nations.

My second recommendation has to do with support for the Cambodian nongovernmental organizations. Despite a zero-sum, politically intolerant climate in 1993, Cambodians accepted the basic concept of a democratic process as embodied in the U.N.-sponsored elections. The surprise victory of FUNCINPEC demonstrated the attractiveness of open elections to rural Cambodians, as well as their resentment of the status quo.

One of the most important legacies of the U.N. presence was the growth of mass participation in human rights organizations and indigenous NGO's. NGO's were also a positive influence in the 1998 elections. The indigenous poll-watching organizations of COMFREL and COFFEL, thousands strong, demonstrated the determination of many Cambodians to participate in their political process even at serious personal risk.

Except for the Philippines, no other nation in Southeast Asia has developed such a pattern of citizen political participation. Although jeopardized by the July 1997 coup and the political climate after the 1998 elections—before and after, I should say—nongovernmental organizations retained links with the international community. They also are fragile elements of Cambodian society. And the Cambodian People's Party probably sees them as a threatening force.

Nonetheless, indigenous NGO's are microscopic signs of civil society that can provide a foundation on which the United States and other international assistance programs can build.

USAID support for humanitarian programs of The Asia Foundation and other NGO's with long involvement in Cambodia should be continued and expanded to its previous broader scope. At some point, assuming a satisfactory political accommodation, development assistance to certain parts of the Cambodian government—for example, the Ministry of Education—should be considered.

My third recommendation has to do with staying involved. The critical issue at the moment of this hearing is the degree to which the election complaints of FUNCINPEC and the Sam Rainsy Party can be satisfied in a manner which gives them fair representation either in a coalition government, which now appears to be the case, or as an opposition bloc within the national assembly free of harassment and coercion. These are rapidly changing tactical matters currently under intense negotiation, which Secretary Roth has detailed in his testimony.

The United States must stimulate common diplomatic pressure on the current Hun Sen regime. It must continue broad cooperation at the United Nations, demand the continuation of the U.N. Center for Human Rights in Phnom Penh, and use conditionality in the World Bank, UNDP and other international financial institutions when financial support to the Cambodian government is up for consideration.

The United States deals with many governments that engage in heinous violations of human rights and repression of democratic institutions. Some observers have suggested that the United States refuse to deal with Hun Sen in an interim regime or with whatever Hun Sen dominated regime is likely to emerge over the next few weeks. I believe this would be an extremely bad policy decision.

The American embassy in Phnom Penh is still accredited to the Royal Kingdom of Cambodia, regardless of Hun Sen's repressive record. To break that relationship would remove whatever ability the United States has to affect the course of events through dialog with Hun Sen himself or with members of the CPP, who may be less than enthusiastic about Hun Sen's autocratic rule.

In this regard, I wish to add my view that Ambassador Quinn has done a highly professional job in an extremely difficult situation.

Finally, I would point out that even if the opposition were to eventually become the dominant group in a coalition with the CPP, they, the opposition, now the ruling party, would still have to rely almost exclusively on a government apparatus, police, military, civil administration, from province capital to local communes that are staffed by CPP adherents.

Thank you, Mr. Chairman.

[The prepared statement of Dr. Brown follows:]

PREPARED STATEMENT OF DR. FREDERICK Z. BROWN

Thank you, Mr. Chairman, for this opportunity to comment on the current situation in Cambodia. I was an international polling station officer during the 1993 UNTAC elections in Cambodia and spent July 1997 there during the coup d'etat by second prime minister Hun Sen that destroyed the coalition government put in place by UNTAC. I did not observe the July 1998 national elections but have fol-

lowed events in Cambodia closely through the reports of the International Republican Institute, the National Democratic Institute, the International Crisis Group, Amnesty International, and other sources.

I would like to comment briefly on the realities of the political environment in Cambodia in the wake of the July 1998 elections and the violence that took place subsequently. Second, I would like to suggest guidelines for U.S. policy over the longer term as the Cambodians attempt to rebuild their country.

Prior to July 1997, first prime minister Norodom Ranariddh and FUNCINPEC shared power, if unevenly, with Hun Sen and the Cambodian People's Party (CPP). Today, the CPP and Hun Sen have a monopoly of force through control of police, the internal security services, and the Royal Cambodian Armed Forces. On the surface, the CPP's political monopoly appears to be equally firm. Beginning in the 1980s, the CPP created a countrywide Leninist political system with central Party control. The CPP network was strengthened in the post-1993 period by an infusion of pork barrel incentives flowing from international assistance programs. The CPP systematically used intimidation and physical coercion to prevent the development of alternative political structures and opposing voices. After July 1997, FUNCINPEC's rural organization was dispersed, its members co-opted by the CPP, forced to flee or frightened into silence. The CPP now holds the political, administrative, and security levers in the Cambodian provinces.

It is nonetheless clear from the results of the July 1998 elections that the CPP and Hun Sen personally do not enjoy the genuine support of the majority of the Cambodian people. In spite of widespread intimidation, control of the electronic media, and a political machine in almost every commune in the country, the CPP gained 41.4 percent of the popular vote with FUNCINPEC receiving 31.7 percent and the Sam Rainsy Party 14.4 percent. The relatively high figure for the CPP can be explained in part by the Cambodian people's desire for an end to political conflict and consequent improvement of their economic conditions, a sentiment that translates into a disinclination to risk activity that could be construed as "against the regime". Yet, paradoxically, many Cambodians have not been cowed. Thousands of people from the provinces have dared to demonstrate in Phnom Penh's streets in recent weeks in an unprecedented expression of disapproval of the Hun Sen regime.

The international consensus in support of the Cambodia peace process, pluralism and respect for human rights has carried significant political weight, especially from 1991 through 1993. In 1997-1998, the "Friends of Cambodia" group and the ASEAN "troika" of Thailand, the Philippines, and Indonesia played essential roles in brokering the return of National Assembly deputies from FUNCINPEC and other opposition parties to Phnom Penh and in mitigating some aspects of Hun Sen's repressive measures after the coup. Several countries (and the United Nations) have helped calm the political frenzy following the July 1998 election.

During the past several years we have seen an erosion of the international community's consensus on Cambodia. Some ASEAN member states have one-party political systems; others display little interest in the human rights aspects of the Paris Agreements. The governments of the Southeast Asia countries and Japan are now far more concerned with their own economic problems than with Cambodia. Compassion fatigue among economic assistance donors has set in. In the eyes of Cambodia's neighbors and indeed of most signatories to the Paris Agreements, the political situation in Phnom Penh is a nasty, internal struggle. The important thing for outsiders is to prevent any disruptive regional expression of this struggle. This attitude is demonstrated by the statement from the head of the European Community's observer delegation for the July 1998 elections that "despite shortcomings in the post-election period, the elections were sufficiently free and fair to reflect the will of the Cambodian people". Similar views have been expressed by observer delegations from Australia, Canada, and Japan, albeit with strong minority dissenting opinions. In the past, these countries were the strongest supporters of the common effort to promote political pluralism and respect for human rights in Cambodia.

In practical terms, this means that the United States must bear most of the burden in promoting a workable solution that protects Cambodia's fledgling democratic spirit and human rights, and which encourages the development of a civil society. Consideration by other members of the international community of human rights and participatory governance will be tempered by pragmatic recognition of Cambodia's enduring autocratic political tendencies. For most, the "stability" of Cambodia is more important than the character of its government.

Recommendations for United States Policy

In Asia, Cambodia is less important to American national interests than, for example, the future of the Japanese economy, North Korea, and Indonesia. Nonethe-

less, we have a commitment to the Cambodian people and a responsibility under the Paris Agreements.

1. *Leadership.* We should continue to work closely with our friends in ASEAN, Japan, Australia, Canada, and France, despite differences in perspective regarding the validity of the July 1998 elections, to find ways to move Hun Sen and the CPP toward an acceptance of the opposition as legitimate players in Cambodia's politics. While the extent to which ASEAN is willing to modify Hun Sen's script is limited, ASEAN clearly has an interest in preventing Cambodia from becoming a "rogue state" for narcotics trafficking or to otherwise disrupt the region. In this sense, ASEAN cannot run away and hide. At a minimum the United States should seek common action by ASEAN and United Nations agencies in pressing for investigations into charges of vote counting fraud and in investigating the use of force in quelling the post-election demonstrations. ASEAN has already indicated that Cambodia's membership in the group is on hold for the time being. The United States should encourage ASEAN to maintain that position.

2. *Support the Cambodian nongovernmental organizations.* Despite a zero sum, politically intolerant climate, in 1993 Cambodians seemed to accept the basic concepts of the democratic process as embodied in the UN-sponsored elections. The surprise victory of FUNCINPEC demonstrated the attractiveness of open elections to rural Cambodians (80 percent of the population) as well as their resentment of the status quo. One of the important legacies of the U.N. presence was the growth of mass participation in human rights organizations and indigenous NGOs.

NGOs were also a positive influence in the 1998 election. The indigenous poll-watching organizations of COMFREL and COFFEL, 40,000 persons strong, demonstrated the determination of many Cambodians to participate in their political process, even at serious personal risk. Except for the Philippines, no other nation in Southeast Asia has developed such a pattern of citizen political participation. Although jeopardized by the July 1997 coup and the political climate after the 1998 elections, NGOs retain links with the international community. But they remain fragile elements of Cambodian society, and the CPP, which is opposed to change, probably sees them a threatening forces. Nonetheless, these microscopic signs of civil society can provide a foundation on which U.S. and other international assistance programs can build.

USAID support for humanitarian programs of The Asia Foundation and other NGOs with long involvement in Cambodia should be continued and expanded to its previous broader scope. At some point, assuming a political accommodation, development assistance to certain parts of the Cambodian government (*e.g.* Ministry of Education) should also be considered. It will be necessary to convince the government that the NGO sector is a positive, non-threatening element of a civil society that benefits the Cambodian people.

3. *Stay involved.* The critical issue at the moment of this hearing is the degree to which the election complaints of FUNCINPEC and the Sam Rainsy Party can be satisfied in a manner which gives them fair representation either in a coalition government or as an opposition bloc within the National Assembly free of harassment and coercion. These are rapidly changing tactical matters currently under intense negotiation. In principle, in addition to the actions suggested above, the United States must stimulate common diplomatic pressure on the Hun Sen regime; seek broader cooperation at the United Nations; demand the continuation of the U.N. Center for Human Rights in Phnom Penh; and use conditionality in the World Bank, UNDP, and other international financial institutions when financial support to the Cambodian government is up for consideration. The United States must be an advocate within the international community for the vigorous use of all these tools—no other nation has a genuine commitment to performing such a function nor the political muscle to pursue it.

The United States deals with many governments that engage in heinous violations of human rights and repression of democratic institutions. Some observers have suggested that the United States refuse to deal with Hun Sen in an interim regime, or with whatever Hun Sen-dominated regime is likely to emerge over the next few weeks. I believe this would be an extremely bad policy decision. The American Embassy in Phnom Penh is still accredited to the Royal Kingdom of Cambodia, regardless of the Hun Sen government's repressive record. To break that relationship would remove whatever ability the United States has to affect the course of events through dialogue with members of the CPP who may be less than enthusiastic about Hun Sen's autocratic rule. We would no longer be able to support indigenous NGOs. Finally, I would point out that even if the opposition were to become the dominant group in a coalition with the CPP, they would still have to reply almost exclusively on a government apparatus—police, military, civil administration from province down to local communes—staffed by CPP adherents.

The United States Congress has rightly condemned the Hun Sen regime for human rights abuses and contravention of the Paris Agreements. I understand the political utility of such an expression of Congressional views in a situation like Cambodia today. Yet, in my view, we should not delude ourselves into believing that statements of disapproval and threats will necessarily moderate the actions of the regime. The United States seems to have become the conscience of the international community. But we should not exaggerate our ability to bring about the kind of political and social change we would like to see in Cambodia, particularly in the absence of a genuine wish on the part of the Cambodian political elites for compromise and reconciliation.

Senator THOMAS. OK. Thank you very much. And thanks to all of you for participating and for your views.

What would be involved, Professor Brown, with—how would the acceptance of the opposition as legitimate players play out? What would be the role as you see it?

Mr. BROWN. If the opposition actually forms a coalition as part of the government, then certainly several cabinet-level posts would have to be given to FUNCINPEC.

Also, there would have to be an accommodation with regard to the leadership at province level. I do not know how that would work out specifically, but certainly it would be improper to have all the province chiefs and the deputy province Governors affiliated uniquely with the CPP. Certainly those would be two things.

Senator THOMAS. How do you feel that the coalition arrangement under the 1994 election worked out?

Mr. BROWN. The 1993 election?

Senator THOMAS. 1993.

Mr. BROWN. Not very well, as it turned out. For the first year, it worked adequately well, I would say, in the situation in Cambodia immediately after the UNTAC period. Then it disintegrated. And part of the disintegration, of course, was that not only the CPP, but also the FUNCINPEC, were unable to accommodate the presence of Sam Rainsy as minister of finance and development. Then the situation deteriorated after that, admittedly, into a very bad situation.

Senator THOMAS. Dr. Tith, one of your views is to instruct the State Department not to put pressure on the opposition to enter into a coalition.

Dr. TITH. Yes, sir.

Senator THOMAS. Do you have something of a different point of view?

Dr. TITH. Yes, sir. The main reason for that is that, first of all, I view a coalition in a really democratic system as to be freely agreed upon. And I do not see under the circumstances how this coalition could be that kind of freely agreed type of coalition. That is one reason.

The second reason is that I see at the present time, as an economist looking and particularly dealing with economic management of more than 100 countries, I can tell you that Hun Sen does not have the skill nor the commitment to manage the economy.

The economy is really at the point of no return because of the deforestation. So if the coalition is formed, Hun Sen can only use their position to blame, because he has already blamed the opposition. As a matter of fact, he was interviewed the other day. Why did he not take care of the starvation issue which has started in Cambodia, some provinces in Cambodia? He said that because he

blamed the opposition because they have demonstrated. So it would waste his time to deal with this sort of issue.

So to me, if you want to have really any kind of solution down the road, is not to allow Hun Sen to deal with this problem. And you can see clearly who Hun Sen is. And he will not be able to manage the economy. It is simply that his base is management on corruption and on a loyalty which is based on purely on favor distribution.

There is no difference between CPP and the government in Hun Sen. So you have, first of all, this kind of situation. How could you manage the economy when it is not based on meritocracy?

Senator THOMAS. If you did not move toward a coalition to govern, then what is your solution to the dilemma that now exists?

Dr. TITH. To me, it seems to me that if the opposition should play the role of opposition, there is a constitutional crisis in the sense that because there is a two-third majority required—this is of Hun Sen's making, by the way. He is the one making that rule, because he wanted to corner the opposition when he was the minority.

We can resolve that sort of thing, I think, through negotiation, by, let us say, a simple majority, go back to simple majority. The opposition can vote for that simple majority and let Hun Sen run the government, and the opposition remain in the opposition, constructive opposition. That is my idea about how can we proceed.

Senator THOMAS. It is my understanding, under the circumstances, there are now, absent this coalition majority, that there is basically no government that is legitimate.

Dr. TITH. Well, if it is a simple majority—

Senator THOMAS. But it is not, is not? How would that come about?

Dr. TITH. Well, the constitution has to change.

Senator THOMAS. Dr. Brown mentioned, Mr. Craner, pressing for an investigation into charges of vote fraud and investigation of the use of forces. I presume you would agree to that generally.

Mr. CRANER. Yes, I would.

Senator THOMAS. So what if you determined, what if there is determined, there was vote fraud and so on? Then what happens?

Mr. CRANER. In other countries that IRI has observed, if there were cases of vote fraud, the elections at that particular ballot place or in that particular province are rerun.

Senator THOMAS. OK. Would that happen here? Is there a constitutional and a legal framework, assuming those allegations were proved, would that require another election?

Mr. CRANER. On paper there are such provisions.

Senator THOMAS. Yes. That is what I mean. So you go ahead and do the investigation, Dr. Brown. You find there is fraud. So what?

Mr. BROWN. Well, as I understand it, there are at least 800 complaints registered by the Sam Rainsy party and FUNCINPEC. I am given to believe that of those 800, the estimate of the administration is that many of them would not materially change the outcome of the election in the individual location.

I doubt very much you could investigate all 800 in any kind of reasonable timeframe. But it seems to me there ought to be a process by which some of those charges which appear to be the most serious could be investigated by the National Election Commission,

which did not really do its job entirely after the election, or through some other international mechanism.

Senator THOMAS. I guess my question is, assuming they found that there is this kind of—and the International Elections Commission says, so what? What happens?

Mr. BROWN. Well, if it appears that an election in a given province or in a given location did change the outcome with regard to who was elected from that location, then the national assembly composition would have to be adjusted accordingly, I suppose, so that the balance between FUNCINPEC, the Sam Rainsy party and CPP would change.

Senator THOMAS. And you know about it more than I. But it seems like we are assuming that their laws are similar, for instance, to ours, where there is a constitutional provision to change and a structure, a legal structure, to cause it to happen. And I suspect that is not the case.

Mr. BROWN. That could very well be that it would not happen. But there has to be a serious investigation made and put on the record.

Senator THOMAS. I understand. What is—you know, in elections anywhere, when you have more than two parties, it tends to divide the vote. Is there generally agreement among the two minority groups here on issues and so on? Why did they have two separate elections instead of coming together to win the majority that they now have jointly? Why did they not do that together?

Dr. TITH. You mean in talking about FUNCINPEC and Sam Rainsy party?

Senator THOMAS. Yes.

Dr. TITH. Well, if you observed in Germany or observed in any other country, when there are two parties that can get together and form a majority, if it is a majority, then they can run the country in the simple majority basis.

Senator THOMAS. In a parliamentary system.

Dr. TITH. In a parliamentary system, yes. But this is the problem, that Hun Sen change the formula, you see. Although the popular vote, Hun Sen got only 41.5 percent, opposition got 58 percent, and this is why it is not representative of the vote of the people.

But the seat, because of the formula, Hun Sen has 64 seats out of 122. It does not make any sense. Arithmetic does not add up. It does not retranslate into the majority in the parliament for the opposition, which it should.

Senator THOMAS. But it takes two-thirds, did you not say, in the parliament?

Dr. TITH. Two-thirds, yes. That two-third is the rule right now for any major issues.

Senator THOMAS. So in any parliamentary arrangement you need to get together to get two-thirds, and that is the case here. You would not even have two-thirds if the two minority parties got together, is that correct?

Dr. TITH. They will not get two-thirds. But that is why I said I propose that the two-thirds majority should change first to make it a simple majority, and then we proceed from there. Because that two-thirds majority was an imposition by Hun Sen.

Senator THOMAS. I understand that, but I guess I keep coming back to here is where are.

Dr. TITH. Yes.

Senator THOMAS. That is where you would like to see us be, but that is not where we are at.

Dr. TITH. Right.

Senator THOMAS. Yes, sir?

Mr. CRANER. I think there is an assumption on the part of some that had the two opposition parties joined together, they would be sitting at the head of government today. But history is instructive. They won in 1993, not with 60 percent of the vote, but 66 percent of the vote against Hun Sen.

When Hun Sen saw that, he took his army off to the provinces and said, I am going to split this country if you do not share power.

So it is not at all clear that had they joined together, and won 60 or 66 or whatever percentage of the vote, that Hun Sen would have said: Oh, you won. I understand. I am a good democrat.

Senator THOMAS. Understand. Well, generally, I guess we could assume that at least the two of you, Mr. Craner and Dr. Tith, take a little stronger position than the administration is inclined to.

Dr. Brown, I think you sort of endorse the administration's position. Is that generally fair?

Dr. Brown; In the absence of a viable alternative, I would have to endorse it. Yes.

Senator THOMAS. You know—and just let me observe. And you, again, are experts in this, but it is difficult, it seems to me, for our policy to have the right balance. In other words, some argue, well, you know, we ought to continue to work with the country. We ought to continue to participate with aid and so on in hopes that that is the best way to bring about change.

On the other hand, others argue, by golly, why should we assist in something that is inconsistent with our values. It seems like that is kind of where we are a little bit in this arrangement. Would you argue with that?

Mr. BROWN. I would comment only as I have done in my testimony that there are elements in Cambodian society that are very much interested in developing a civil society and the rule of law and respect for human rights.

Democracy is a very difficult term to use with regard to Cambodia, but there are people in Cambodia, people that we have helped and supported. And to simply let them drop, it seems to me, would be criminal on our part.

Now you have to work within the context that is, as you say. And—

Senator THOMAS. I do not think anyone would suggest that. I guess the real issue before us, not only in Cambodia and other places, how do we best accomplish that? That is the problem with China. The same thing.

Gentlemen, thank you very much. I appreciate it. A letter from Prince Ranariddh and a statement from Sam Rainsy will be made part of the record.

[The information referred to follows:]

STATEMENT SUBMITTED BY SAM RAINSY, PRESIDENT, SAM RAINSY PARTY, CAMBODIA

Mr. Chairman, it is a distinct and unique pleasure for me to appear before you today. I am honored to inform this Subcommittee of the political situation in Cambodia following the July parliamentary elections and to highlight the important role the United States can play in bringing democracy, the rule of law, and lasting peace to my country.

The last few months, weeks, and days have been among the most difficult of my life, and it has been equally trying for all Cambodians who support democracy. I know this Subcommittee is familiar with the brutal crackdown of pro-democracy demonstrators in Phnom Penh by forces of the Cambodian People's Party (CPP). Buddhist monks and students have been found tortured and murdered, and many continue to be missing. I know you are familiar with the illegal and unconstitutional travel ban that prevented me and all opposition members from leaving Cambodia one week ago—a ban that was personally instituted by Hun Sen. And I know that you are aware of the CPP-biased election machinery that denied opposition parties due process in the counting of ballots and resolution of election complaints.

There is no one more disappointed and saddened by the total failure of the July elections than myself. However, the opposition in Cambodia warned from the very beginning that democracy cannot be built on an undemocratic foundation that lacks the rule of law. Throughout the electoral process—even before we returned to Phnom Penh from exile in Bangkok—we pointed out to the international community many serious flaws in the political environment and in election preparations. For example, our party structures and property had been totally destroyed or looted during Hun Sen's July 1997 coup d'état, and our membership was traumatized. I could not agree more with the characterization of the pre-election period as "fundamentally flawed."

Mr. Chairman, we were reluctant participants in this election and at one point even withdrew from the process. But under heavy pressure, we accepted the assurances of the international community that the elections would be assessed fairly. We were wrong in accepting these assurances, and today Cambodia is on the brink of affirming the rule of man, not instituting the rule of law. I know this to be true, as I spent ten days under the protection of the United Nations in Phnom Penh because of Hun Sen's pointed threats.

The United Nations and many other sponsors and observers of the election did not effectively challenge the conditions that made a fair election impossible. Throughout the campaign, our activists were harassed, threatened, and killed with complete impunity. While the United Nations has done a commendable job in documenting the abuses of the Cambodian government, not one human rights violator has been prosecuted. And the killings and torture continue.

Other shortfalls in the elections included limited and unequal access to state controlled media, an election framework that was biased and that lacked transparency, a recounting process that failed to conduct recounts, a reluctance to reconcile all ballots, and an illegal change in the method for seat allocation that gave the ruling party a majority of seats with only 41 per cent of the official vote.

The burden of proof that this election was legitimate no longer lies with the opposition—as some asserted immediately after the polls closed—it is now the responsibility of Hun Sen and the CPP.

The Cambodian people are confused, frustrated and angry. They don't understand why many in the international community are supporting the announced election results and pressuring the opposition to join a coalition. Why isn't the Cambodian government pressured into obeying Cambodian laws and its Constitution?

If the opposition is forced into a coalition without being able to resolve underlying problems, Cambodia will continue to be under the complete control of Hun Sen. History has shown that he will do whatever it takes to stay in power. Over the past five years, under Hun Sen's leadership, Cambodia has had unrestrained corruption, human rights violations, and environmental destruction. He kept his political opposition in check while building up his own political and military machine, in part, by making deals with some of the worst Khmer Rouge leaders and incorporating them into the government. Anyone who thought Hun Sen was the solution to Cambodia's problems or that he offered "stability" should know better by now.

I understand all of Cambodia's problem cannot be solved at once, and the opposition has demonstrated its willingness to compromise. However, there are some issues where compromise is impossible, such as the resolution of election related disputes before a coalition government is formed and the development of an independent judiciary that enforces and protects the rights of all citizens, not only members of the CPP.

Without proper and full resolution of election complaints, the elections will have no credibility among the Cambodian people. For better or for worse, the Cambodian people look to the United States as the standard-bearer of democracy and the conscience of the world. It was the United States that took Hun Sen's coup seriously last year and the U. S. Congress that acted so swiftly to restrict official foreign assistance to Cambodia. The reaction of Congress was one of the few times that Hun Sen has received a message from the international community other than one of accommodation.

Hun Sen expects that the world will legitimize his rule through these elections and cloak his dictatorial behavior in the mantle of democracy. Cambodian democrats are asking the United States to be the standard-bearer again while there is still a chance to get Cambodia back on the road to democracy. We call upon the United States to:

- make it clear that it will refuse to recognize any Cambodian government that is formed prior to the resolution of election-related complaints filed by opposition parties, or any government formed under duress;
- strongly condemn the Cambodian government for its human rights abuses and ongoing intimidation of opposition activists;
- continue to withhold official aid, as it is currently doing, and to oppose IMF and other multilateral lending. Let me make clear that humanitarian and demining assistance should continue;
- vote to keep Cambodia's U.N. seat vacant and to oppose other international recognition;
- leave the U.S. ambassador's post vacant after the departure of Ambassador Kenneth Quinn until a credible government is formed and to ensure that next U.S. ambassador is someone with strong credentials as a supporter of democrats;
- intensify efforts to deter the Cambodian government's role in illegal logging, drug-trafficking, money-laundering and acts of terrorism such as the grenade attack on March 30, 1997 that killed at least 16 people; and,
- make public the Federal Bureau of Investigation's report into the March 1997 grenade attack.

Mr. Chairman, as a target of assassination in 1997 and again just a few weeks ago outside of the Ministry, of Interior, I know how dangerous Cambodian politics can be. The United States has an opportunity to make an historic contribution to Cambodia's future by demonstrating its leadership and supporting democracy and human rights. Today, I look to you for hope and assistance.

Thank you for the opportunity to testify.

LETTER SUBMITTED BY PRINCE NORODOM RANARIDDH

1 October 1998

Their Excellencies:

Senator JESSE HELMS,

Chairman, Senate Committee on Foreign Relations;

Congressman BENJAMIN GILMAN,

Chairman, House International Relations Committee;

Congressman GERALD SOLOMON,

Chairman, House Subcommittee on Asia and the Pacific;

Congressman DANA ROHRBACHER,

Chairman, House Subcommittee on Space and Aeronautics.

YOUR EXCELLENCIES, I am writing to express my gratitude for your efforts to support democracy and freedom for the people of Cambodia. During the past month, during a violent crackdown by Hun Sen on leaders of democratic parties, students and Buddhist monks, the consistent principled position of the U.S. Congress has saved the lives of countless people and has led the international community to endorse a non-violent political resolution of the current crisis. Unfortunately, an atmosphere of intimidation and the threat of violence by Hun Sen and his forces continues, with many pro-democracy advocates and Buddhist monks still missing. In addition, there has been inadequate movement by Hun Sen's political party to address serious charges of irregularities in the ballot process and the allocation of Parliamentary seats.

I regret that I am unable to travel to the United States at this time because it is essential that I remain available to join in political talks in Phnom Penh and to provide direct leadership to the Members of Parliament of my party.

However, I have requested that my colleague, the Honorable Sam Rainsy M.P., travel to Washington and to the United Nations to represent the coalition of our respective parties and a number of allied pro-democracy parties, who collectively totaled more than 51 percent of the popular vote in the July election.

We seek support of the U.S. Congress and the International community to assure that any coalition government that is formed in Cambodia is negotiated without force or coercion and represents the will of the Cambodian people. Before a coalition is formed, the credible charges of election irregularities must be investigated by non-biased entities, and the constitutionality of the seat allocations dispute must be resolved. All threats of violence or arrest against the democratic opposition must be lifted and force must not be used against peaceful demonstrators and Buddhist monks. Those who have committed torture and murder must be brought to justice. Most essential, in order to achieve a peaceful resolution of the crisis, Hun Sen must understand that he will be accountable by the international community for continued acts of violence.

Thank you for your continued support for freedom and democracy in Cambodia. I look forward to meeting with Your Excellencies in the not too distant future.

Please accept, Your Excellencies, the renewed assurances of my highest consideration and personal esteem.

NORODOM RANARIDDH,
PRESIDENT OF FUNCINPEC PARTY.

STATEMENT SUBMITTED BY HUMAN RIGHTS WATCH, ASIA DIVISION

HUMAN RIGHTS IN POST-ELECTION CAMBODIA

The U.S. government has played a critical role in the months leading up to, and following, this past July's election in Cambodia. Unfortunately, at this time, there is little reason to be optimistic about the short-term future, as the Cambodian government has failed to address the fundamental human rights problems that plagued the pre-election period, including political violence, extra judicial killings, and official impunity for abuses. These same problems now threaten to undermine prospects that any new government can gain the full confidence and support of the Cambodian people.

We believe that the international community was too hasty in endorsing both the elections process and the results as "free and fair." The creation of yet another antagonistic coalition government between Prince Ranariddh and Hun Sen offers little hope of stability or human rights improvements.

While polling day itself drew large numbers of voters and was relatively peaceful, most of the year preceding election day was tainted by political violence, widespread intimidation, monopoly of the broadcast media by the ruling party, and murders of opposition members and supporters of Ranariddh.

Most of the international observer delegations flew in only days before the elections, gave their approval, and left as quickly as they came. Meanwhile, following the elections, hundreds of opposition activists fled their homes in the provinces after receiving threats of reprisals and death from local officials. In late August, unprecedented numbers of people took to the streets in Phnom Penh to protest the election results. Violence escalated, with a grenade attack at the Ministry of Interior on August 20 when Sam Rainsy was inside the compound. There were also mob killings of at least four ethnic Vietnamese on September 3 and 4 in conjunction with rumors that Vietnamese food vendors were poisoning the population.

On September 7, more than a week of civil unrest erupted in Phnom Penh, and riot police used lethal force to disperse opposition demonstrators. The protesters were mostly peaceful, though some did engage in violence such as stone-throwing. Since September 7, two deaths have been confirmed and more than thirty are under investigation by human rights workers. At least sixty people were wounded in the demonstrations, including fourteen who were sent to the hospital with bullet wounds. In addition, security forces detained more than twenty people, including students and monks, and many more people were reported as missing.

U.S. Policy Recommendations:

We urge the Clinton Administration, and members of this Committee, to insist upon concrete action by the Cambodian government—as outlined below—before the U.S. restores any bilateral or multilateral aid to Phnom Penh. We continue to strongly favor assistance to Cambodian NGOs, however.

The U.S. should publicly and privately support the efforts of the U.N. Secretary General's Special Representative, Thomas Hammarberg, who has called on the Cambodian government to:

- publicly acknowledge all instances of arrest and detention in connection with the demonstrations earlier this month;
- make known the names of all detainees and their whereabouts, and any charges against them; in the absence of credible charges, they should be immediately released;
- open all places of detention to the International Committee of the Red Cross;
- investigate and prosecute those responsible for disappearances since the September 7 crackdown as well as those that took place prior to the elections;
- fully investigate and prosecute the apparent killings of at least 16 people whose bodies have been found in recent weeks floating in rivers, irrigation ditches and shallow graves around Phnom Penh;
- cease all threats to arrest and prosecute opposition leaders, such as Sam Rainsy and Kem Sokha (former head of the parliamentary human rights committee), for exercising their rights of free speech and political participation.

Until the Cambodian government demonstrates a willingness to begin taking these steps, the U.S. should continue withholding direct government aid and urge other donors to do the same.

The U.S. should also help provide protection to courageous Cambodian NGOs, including human rights monitors, who are struggling to lay the groundwork for long term peaceful change. We are deeply concerned about police threats against the staff of the U.N. Centre for Human Rights in Phnom Penh.

In addition, we believe it is crucial that the United Nations continue to maintain a visible presence in Cambodia during this transition period. It is likely that political violence, arrests and killings will continue, and perhaps even accelerate, once agreement is reached on the composition of a new government. Acts of retaliation and retribution have been all too common in Cambodia in the past.

We hope the Administration will endorse the continuation of the mandate of the U.N. Secretary General's Personal Representative, Mr. Lakhan Mehtrotra, as well as the mandate of the Cambodia Office of the High Commissioner for Human Rights (COHCHR)—which Second Prime Minister Hun Sen has repeatedly tried to shut down. The COHCHR is currently due to operate until March 1999. But in light of the commune level elections scheduled for sometime next year, and ongoing reports of abuses, it should be extended and if possible, additional funding provided for the staff to be expanded.

Finally, we appreciate the efforts of the United States—in the face of general donor weariness or “Cambodia fatigue”—to encourage ASEAN, members of the European Union, Japan, and other key donors to press for basic human rights improvements, which are clearly essential to bringing about reconciliation, stability, and long-term economic development in Cambodia. The statements of some ASEAN governments at the U.N. General Assembly in New York on September 28 were particularly encouraging, and it appears that Cambodia's ASEAN membership remains on hold until ASEAN is confident that a legitimate and stable government is in place. The U.S. and other donors should also continue to vigorously condemn violent attacks on ethnic Vietnamese living in Cambodia.

Human Rights Developments

Hun Sen began to lay the groundwork for the 1998 elections in late 1997 by sending a letter to U.N. Secretary-General Kofi Annan on October 22, guaranteeing the safe return of opposition politicians who fled after the coup and pledging to organize fair elections. By the end of November, the office of the United Nations Secretary-General's Representative in Cambodia (OSGRC) had created a new unit of international personnel, mandated to monitor the physical security and safety of returning political leaders, their freedom from arrest and detention, and their ability to engage in political activities. By early 1998, most had returned. These included Prince Ranariddh's party, Front Uni National pour un Cambodge Independent, Neutre, Pacifique, et Cooperatif, or FUNCINPEC; Sam Rainsy's Khmer Nation Party (KNP); and the Son Sann faction of the Buddhist Liberal Democratic Party (BLDP). Throughout the first half of the year, the CPP was virtually the only party able to freely and actively conduct political activities throughout the country. It was not until May that opposition parties were legally recognized and not until June that they were fully registered to participate in the election.

Until mid-February, a political impasse over Prince Ranariddh's ability to participate in the elections threatened to block international donor support for the vote. Hun Sen charged that Prince Ranariddh had imported illegal weapons in 1997 and mounted an armed opposition with Khmer Rouge support against government forces. In February, however, a group of donor and neighboring countries known as the Friends of Cambodia endorsed a peace initiative put forward by Japan, and Hun Sen and Prince Ranariddh agreed. Dubbed the “Four Pillars” plan, it called for an

immediate cease-fire and reintegration of resistance forces into the government army, the severing of by Prince Ranariddh's ties with the Khmer Rouge, the trial of Ranariddh in absentia followed by his pardon by King Sihanouk, and government guarantees of Prince Ranariddh's safe return to Cambodia.

A pattern of violence against lower-level opposition party workers in remote areas of the countryside began to emerge early in the year, especially after activists in some provinces made tentative first steps to reactivate grassroots networks. A National Election Committee (NEC) was formed in January to organize and monitor the elections and verify the accuracy of the final tally, but it was dominated by the CPP. Similarly, the Constitutional Council, the nation's highest appeals body, which was mandated to resolve electoral disputes and verify the accuracy of the final tally, had a disproportionate number of CPP-affiliated members and was established too late to address most election-related disputes. At party congresses in Phnom Penh in March, two leading opposition parties changed their names because of legal battles with pro-CPP rival factions. The KNP became the Sam Rainsy Party, and one faction of the BLDP became the Son Sann Party. During political party registration, which began on March 28, thirty-nine parties were approved by the Ministry of Interior and the NEC.

March and April were characterized by a wave of political violence. High-ranking FUNCINPEC officials were targeted prior to Prince Ranariddh's return on March 30. General Thach Kim Sang was gunned down on a busy Phnom Penh street in broad daylight on March 4; Lt. Col. Moung Sameth was assassinated on March 3 in Kien Svay district near Phnom Penh, and Lt. Col. Chea Vutha, was killed on March 28 also in Kien Svay district. Local activists in the countryside were also targeted, as for example in the April 26 grenade attack against Son Sann Party members in Takeo, in which two people were killed.

In April the CPP turned its attention to getting its members appointed to the provincial and commune election commissions and launched a heavy-handed but generally nonviolent party recruitment campaign. Local officials and militia went house to house or conducted mass meetings to solicit thumb prints and pledges from the populace to vote for the CPP, confiscated and recorded identification numbers on voter registration cards, and conducted "mock elections" before the actual polling, in which people were pressured to vote for the CPP. Although voter registration got off to a rocky start on May 18, the NEC reported that 92 percent of the estimated 5.6 million eligible voters eventually registered to vote.

Top opposition leaders such as Prince Ranariddh and Rainsy began to make high-profile visits to the provinces in May, but the ongoing threat of political violence discouraged activity by local-level opposition members outside Phnom Penh. A May 13, 1998 memorandum from the Special Representative of the Secretary-General for Human Rights in Cambodia detailed forty-two killings and six long-term "disappearances" of people presumed killed since the initial forty-one killings that took place in the immediate aftermath of the July 1997 coup. A U.N. report prepared in April concluded that the government had not launched any serious investigations into coup-related abuses and that no investigations were planned.

On June 8, the co-prime ministers signed a directive establishing a National Human Rights Committee. The fact that the committee was led by two top advisers to Hun Sen, and that this was the fourth time since July 1997 that Hun Sen had pledged to set up such a commission, did not inspire confidence that it was a serious effort. A National Task Force on Security for the Elections was established the same month, responsible for investigating election-related violence. Headed by National Police Chief Hok Lundy, himself linked to political murders, the task force concluded that all of the cases it received stemmed from personal motives such as revenge or robbery.

In the final two months preceding the elections the Cambodia Office of the High Commissioner for Human Rights received more than four hundred allegations of voter intimidation, death threats, acts of violence against individuals, illegal arrests and detention, forced removal or destruction of party signs or shooting at party offices, coercion of voters to join the CPP, temporary confiscation of voter registration cards by local authorities, and barring of party members from access to communities. More than one hundred of the complaints were deemed credible.

In the elections themselves, 94 percent of the registered voters turned out to vote, observed by the Joint International Observation Group (JIOG), a U.N.-coordinated body of thirty-seven countries. The JIOG dispatched only 250 pairs of observers to cover more than 11,000 polling sites and 1,600 counting centers. Additional observation was handled by Cambodian observers under the auspices of well-respected electoral monitoring NGOs, such as the Committee for Free and Fair Elections (COMFREL) and the Coalition for Free and Fair Elections (COFFEL). Meanwhile, counting continued well into the third week in August.

The JIOG issued its assessment that the voting was free and fair on July 27, before the counting was even completed. The Asian Network for Free Elections (ANFREL) was the only international observer delegation to avoid making a snap judgment, calling on the NEC on July 30 to investigate complaints of polling and counting irregularities as well as reports of widespread intimidation and threats against opposition party members following the elections.

In preliminary results released by the NEC in August, the CPP was declared the winner, but the opposition rejected the results and demanded a recount. However, after cursory examination of only a fraction of the opposition's complaints, both the NEC and the Constitutional Council declared the appeals process closed. On September 1, the NEC announced the final results: the CPP received sixty-four of 122 National Assembly seats, or a slight majority, while FUNCINPEC got forty-three seats and the Sam Rainsy Party fifteen. The opposition refused to join a coalition government proposed by the CPP, which had not won enough seats for the two-thirds majority required to form the new government on its own. In late August the opposition launched three weeks of protest marches and rallies in Phnom Penh and set up a tent city in front of the National Assembly, which they called "Democracy Square." Unprecedented numbers of people took to the streets to call for Hun Sen to step down. Government officials declared that the demonstrations were illegal and threatened to arrest Sam Rainsy.

Anti-Vietnamese sentiments flared in some of the demonstrations and rallies, with opposition politicians charging that Hun Sen and Vietnamese "puppets" were intent on eliminating the Cambodian people. On August 30, demonstrators attempted to destroy a stone memorial in "Democracy Square" that commemorates Cambodia-Vietnam friendship, smashing it with hammers and setting it on fire. On September 3 and 4, at least four ethnic Vietnamese were killed in mob violence in Phnom Penh as a result of rumors that more than seventy people had died from contaminated palm wine that had been poisoned by Vietnamese people.

Following a grenade attack on September 7 on Hun Sen's residence in Phnom Penh, government forces found a pretext to move against the demonstrators, opening fire outside the Cambodiana Hotel, where Sam Rainsy had taken refuge, killing one man and provoking widespread anger. Over the next week daily clashes broke out between riot police, pro-CPP demonstrators and opposition supporters. Bulldozers were brought in to destroy the tent city, and riot police used electric batons, fire hoses, rifle butts and bullets to disperse protesters around the city. At least two people were killed as a result of the unrest and human rights workers are investigating more than thirty suspicious deaths in and around Phnom Penh that occurred at the same time. Dozens more people, including monks, women, and students, were beaten or injured by government security forces, and more than twenty people were arrested. The government banned dozens of opposition politicians from leaving the country and threatened that some would be arrested.

Under intense pressure from the international community and King Sihanouk, the opposition called off the demonstrations and began to make accommodations with Hun Sen. On September 22, the king hosted a meeting in Siem Reap between Hun Sen, Prince Ranariddh, and Rainsy. This facilitated the swearing in of the new National Assembly on September 24.

Fundamental freedoms of association, assembly, and expression faced periodic threats during the year, although large numbers of people, sometimes tens of thousands, were able to gather for political rallies, labor demonstrations, and protest marches, and, for the most part, candidates were able to speak freely during the campaign. In the course of the crackdown on opposition supporters protesting the election results, however, the government issued a statement on September 9 that banned "unauthorized gatherings," particularly those that might disrupt public order and security.

Opposition parties had virtually no air time on broadcast media during the year, except for the thirty-day official campaign period, when NEC regulations provided for somewhat more equitable media access. Even during the campaign, however, the privately owned Apsara and Bayon stations continued to give disproportionate coverage in the first half of July to the CPP, which appeared 446 times, with FUNCINPEC appearing six times and the Sam Rainsy Party nine times.

The court system remained virtually powerless in 1998, with the judiciary subject to political pressure. While no move was made against officials suspected of rights abuses, U.N. Secretary-General Kofi Annan in August announced the creation of a Commission of Experts to assess evidence of war crimes, genocide, and crimes against humanity committed by the Khmer Rouge under Pol Pot, who died on April 15, only days after the United States announced its intention to capture him and his top deputies and bring them to trial. Questions persisted as to the status of other ranking Khmer Rouge leaders who are still alive, including those who remain

in hiding as well as more than a dozen influential Khmer Rouge who have defected to the government since 1996.

Senator THOMAS. The meeting is adjourned.
[Whereupon, at 11:35 a.m., the hearing was adjourned.]

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